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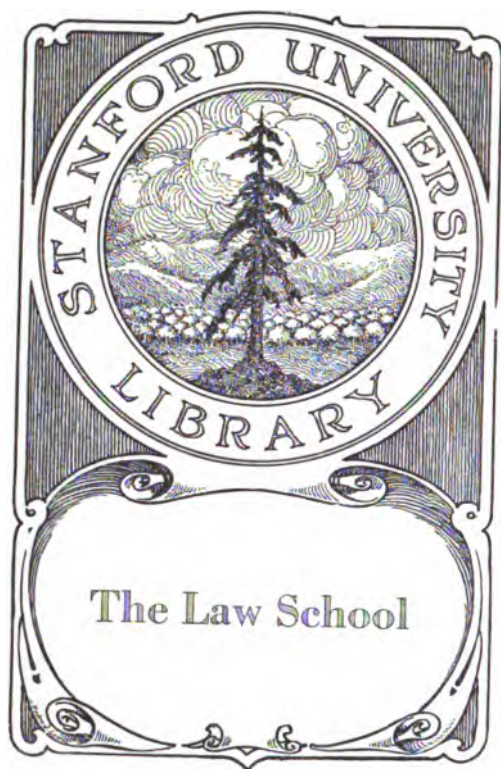
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Kentucky

A C T S

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

PASSED AT THE

**REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH WAS
BEGUN AND HELD IN THE CITY OF FRANKFORT ON MON-
DAY, THE SECOND DAY OF DECEMBER, 1867.**

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CONTENTS.

LOCAL AND PRIVATE ACTS

PASSED AT DECEMBER SESSION, 1867.

	PAGE.
Chapter 557. An act to amend an act, entitled "An act to incorporate the Evansville, Henderson, and Nashville railroad company," approved January 29th, 1867.....	1
Chapter 558. An act to amend the charter of the Lexington and Richmond railroad company	2
Chapter 559. An act to incorporate the Ashland Retort, Fire-brick, and Tile Company	5
Chapter 560. An act to amend the charter of the Kentucky Lead Company	6
Chapter 561. An act to incorporate the Home Industrial Works	7
Chapter 562. An act to amend the charter of the Bowling Green Water-works Company	9
Chapter 563. An act for the benefit of the Green and Taylor County turnpike road company	11
Chapter 564. An act to amend the charter of the Jefferson and Brownsboro turnpike road company	11
Chapter 565. An act to repeal section 17, of chapter 47, article 4, of the Revised Statutes, as to a sale and conveyance made by Hon. Jas. L. Johnson and his wife, Harriet Johnson.....	12
Chapter 566. An act to incorporate the trustees of Center Point Meeting-house, in Monroe county	13
Chapter 567. An act to amend the charter of the city of Louisville	14
Chapter 568. An act to amend the city charter of Louisville.....	14
Chapter 569. An act to repeal an act approved February 27th, 1867, entitled "An act to attach a portion of Grant to Gallatin county"	15
Chapter 570. An act for the benefit James J. Burch, of Barren county	15
Chapter 571. An act for the benefit of Evan M. Garriott.....	15
Chapter 572. An act for the benefit of Charles and John Morgan, of Muhlenburg county	16
Chapter 573. An act to extend the limits of the town of Mt. Carmel, in Fleming county	16
Chapter 574. An act to authorize the trustees of Stephensport to close and sell an alley	16
Chapter 575. An act to incorporate the town of Union Star	17

	PAGE.
Chapter 576. An act to amend an act to reduce into one all previous acts incorporating the town of Stamping Ground, in Scott county	19
Chapter 577. An act to amend the charter and extend the boundaries of the town of New Haven, in Nelson county	23
Chapter 580. An act to create an additional voting place in Upper Tygert district, in Carter county	23
Chapter 581. An act for the benefit of John Peters, late sheriff of Owsley county...	24
Chapter 582. An act for the benefit of William Herrin, sheriff of Fulton county...	24
Chapter 583. An act to establish an additional voting place in district No. 3, in Carter county	25
Chapter 584. An act to incorporate the Library Association of Louisville	25
Chapter 585. An act to incorporate the Underwriters' Life Insurance Company	27
Chapter 587. An act to amend the charter of the Newport and Cincinnati Bridge Company	30
Chapter 588. An act to incorporate the Kenton Savings Bank of Covington	34
Chapter 589. An act to incorporate the Louisville Cotton Mill Company	37
Chapter 590. An act to incorporate the Falls City Cotton Mill Company	38
Chapter 591. An act to incorporate the Southern Ohio Coal Company	40
Chapter 592. An act to incorporate Windsor Female Institute	41
Chapter 593. An act to raise subscription to the Barren County railroad	42
Chapter 594. An act to incorporate the Phoenix Bank of Kentucky, at Louisville...	45
Chapter 595. An act to incorporate the German's Savings Bank, of Covington	47
Chapter 596. An act to incorporate the Maysville Trotting Park Association	51
Chapter 597. An act to amend the charter of the Lynn Land Female Institute	54
Chapter 600. An act for the benefit of Alfred Taylor Biggs, of Henderson county...	56
Chapter 601. An act for the benefit of W. W. Morlan, late sheriff of Oldham county,	56
Chapter 602. An act for the benefit of J. Wash. Davis, sheriff of Jefferson county...	57
Chapter 603. An act to repeal the charter and reincorporate the town of Elizabethtown	57
Chapter 604. An act to incorporate the Louisville Fire and Marine Insurance Company	71
Chapter 605. An act to amend "An act to incorporate the Auction Mart Association, of Louisville"	74
Chapter 606. An act to amend an act, entitled "An act for the benefit of Nathan Wallis, of Hickman county, and Robt. Taylor, of Monroe county," approved February 19th, 1849	75
Chapter 607. An act to redistrict and arrange the voting places in Metcalfe county,	75
Chapter 608. An act to repeal an act, entitled "An act to incorporate the Hickman Marine Railway and Dock Company"	77
Chapter 609. An act for the benefit of J. C. Evans	77
Chapter 610. An act for the benefit of J. M. Robinson, late sheriff of Hickman county	78
Chapter 611. An act for the benefit of Calloway county	79
Chapter 612. An act to amend an act, entitled "An act to incorporate the Pleasureville, Bethlehem, and Kentucky River turnpike company."	80
Chapter 614. An act to charter the Paducah and Cairo railroad company	80

CONTENTS.

	PAGE.
Chapter 615. An act to authorize the Logan county court to change the location of the Hopkinsville and Morgantown roads, in Logan county	83
Chapter 616. An act for the benefit of H. G. V. Wintersmith, late presiding judge of the Hardin county court	83
Chapter 617. An act for the benefit of Common School district No. 14, in Trigg county	84
Chapter 618. An act to establish a road from London, Laurel county, to Booneville, Owsley county	84
Chapter 619. An act for the benefit of Morgan county	85
Chapter 620. An act for the benefit of John Dixon and Alfred Sumner, trustees of common school district No. 13, in Trigg county	85
Chapter 621. An act for the benefit of J. H. Holladay and others	86
Chapter 622. An act for the benefit of B. R. Harris, of McCracken county	86
Chapter 623. An act to change the voting place in the Brandy Springs precinct, in Garrard county, and in magistrates' district No. 1, in Washington county	87
Chapter 624. An act for the benefit of Robert McAlister, late sheriff of Greenup county	87
Chapter 625. An act for the benefit of A. L. Thompson, late sheriff of Bourbon county	88
Chapter 626. An act authorizing the Cumberland county court to levy tax to pay off county debts, and for other purposes	88
Chapter 627. An act to repeal an act approved 18th December, 1865, entitled "An act to amend and add to an act, entitled 'An act to authorize the city of Paris to raise, by taxation, a fund for the support of public schools' "	89
Chapter 628. An act to amend the charter of the town of Ashland, in Boyd county,	89
Chapter 629. An act to amend an act, entitled "An act to change the road law in Greenup county," approved February 17, 1866	90
Chapter 630. An act to incorporate the Anderson Mining Company	91
Chapter 631. An act to authorize the assessor of Trigg county to employ Daniel Coleman, a constable of said county, an assistant assessor in said county	92
Chapter 632. An act to amend an act to incorporate Smithfield College, in Henry county	2
Chapter 633. An act to change the boundary of the district of Highlands, in Campbell county, and to fix the voting place therein	93
Chapter 634. An act to incorporate the Harrodsburg Library Institute	93
Chapter 635. An act authorizing a settlement with the Greenville Seminary, and to appoint other trustees	94
Chapter 637. An act to incorporate the Regent Mining Company	96
Chapter 638. An act to incorporate the Greenville Hill Cemetery, of Woodford county	97
Chapter 639. An act to incorporate the Blandville and Ballard County Agricultural and Mechanical Association	98
Chapter 640. An act to amend the charter of the Cincinnati, Lexington, and East Tennessee railroad company	99

	PAGE.
Chapter 642. An act to incorporate the town of Rockcastle, in Trigg county.....	99
Chapter 643. An act to incorporate the Browder Institute, in Logan county.....	102
Chapter 644. An act to amend an act, entitled "An act for the benefit of the Joint Stock Agricultural and Mechanical Association of Madison County," approved January 29th, 1867.....	104
Chapter 646. An act for the benefit of the Clinton circuit court.....	105
Chapter 647. An act to amend the charter of the Flemingsburg and Mayslick turnpike road company.....	106
Chapter 648. An act giving Hopkinsville the right to subscribe stock in turnpikes...	106
Chapter 649. An act to continue in force an act for the benefit of J. S. Wyatt, late sheriff of Montgomery county, approved February 17th, 1866....	107
Chapter 650. An act to incorporate the Louisville College.....	108
Chapter 651. An act to amend an act, entitled "An act to incorporate the Presbyterian Female School of the City of Louisville," approved March 6th, 1854.....	110
Chapter 652. An act to incorporate the "Parkersville Institute," in Lyon county...	111
Chapter 653. An act for the benefit of the securities of John G. Pickins, deceased, late sheriff of Clinton county.....	111
Chapter 654. An act for the benefit of R. Carson.....	112
Chapter 655. An act to amend an act incorporating the Richmond and Big Hill turnpike road company.....	112
Chapter 656. An act to incorporate the Silver Creek, Walnut Meadow, and Big Hill turnpike road company.....	113
Chapter 657. An act to incorporate the Quirk's Run and Nevada turnpike road company.....	114
Chapter 658. An act for the benefit of Edward Smith, of Larue county.....	115
Chapter 659. An act for the benefit of A. J. Booth, sheriff of Bourbon county.....	116
Chapter 660. An act to amend an act, entitled "An act to incorporate Cadiz Lodge, No. 159, Independent Order of Odd Fellows," approved February 16, 1867.....	116
Chapter 661. An act to amend an act, entitled "An act to incorporate the Louisville Furniture Manufacturing Company," approved May 20, 1865.....	116
Chapter 664. An act to create an additional justices' district and voting precinct in McLean county.....	117
Chapter 665. An act to amend an act, entitled "An act to reduce into one the several acts concerning the town of Lagrange".....	118
Chapter 666. An act for the benefit of William Rader, sheriff of Jackson county...	119
Chapter 667. An act for the benefit of Woodson Firquire, of Adair county.....	120
Chapter 668. An act for the benefit of D. C. Miller, of Adair county.....	120
Chapter 669. An act for the benefit of William Board, of Caldwell county.....	121
Chapter 670. An act to incorporate the Louisville Ladies' Widows and Orphans' Home Society.....	121
Chapter 671. An act to incorporate St. James' Church, Pewee Valley.....	122
Chapter 672. An act to incorporate the Broadway Methodist Episcopal Church, South, of Louisville.....	125
Chapter 673. An act to incorporate the Louisville Annual Conference of the Methodist Episcopal Church, South.....	126

CONTENTS.

VII

	PAGE.
Chapter 674. An act to incorporate McRay Institute, in Whitesville, Daviess county -----	127
Chapter 675. An act to repeal an act, entitled "An act to amend the charter of the city of Louisville," approved October 1, 1861 -----	128
Chapter 676. An act to amend the charter of the city of Newport -----	129
Chapter 677. An act to authorize the city of Newport to subscribe stock in certain railroads -----	129
Chapter 678. An act to change the boundary line between the Murphysville and Mayslick precincts -----	130
Chapter 679. An act to change the place of voting in the sixth district of Fayette county -----	130
Chapter 680. An act for the benefit of H. S. Johnson, of Larue county -----	130
Chapter 682. An act to incorporate the Clark and Madison turnpike company -----	131
Chapter 683. An act to incorporate the Concord and Tollsboro turnpike road company, and to levy a tax to aid in building said road -----	132
Chapter 684. An act to incorporate the Paducah and North Ballard turnpike road company -----	134
Chapter 685. An act to incorporate the Lancaster and Sugar Creek turnpike road company -----	135
Chapter 686. An act to incorporate the Marion and New Liberty turnpike road company -----	139
Chapter 687. An act to incorporate the Versailles and Mt. Vernon turnpike company -----	140
Chapter 688. An act to enable the Scott county court to purchase the Great Crossings and Stamping Ground turnpike road -----	142
Chapter 689. An act to amend the charter of the Winchester and Mt. Sterling turnpike road company -----	143
Chapter 690. An act to incorporate the Cane Spring and Cox's Creek turnpike road company -----	143
Chapter 691. An act amendatory of an act, entitled "An act to incorporate the Eminence and Mulberry turnpike road company," approved January 11, 1868 -----	145
Chapter 692. An act to amend the charter of the Flemingsburg and Elizaville turnpike road company -----	146
Chapter 693. An act to legalize a change in the road leading from Morganfield to Caseyville, in Union county -----	146
Chapter 694. An act for the benefit of Sciotoa Beshears, of Hopkins county -----	147
Chapter 695. An act for the benefit of W. F. Evans' estate -----	147
Chapter 696. An act for the benefit of Jo. Thomas, trustee of the jury fund of Daviess county -----	148
Chapter 697. An act for the benefit of John B. Pierce, jailer of Trimble county -----	148
Chapter 698. An act to repeal an act, entitled "An act declaring Eagle creek a navigable stream" -----	148
Chapter 699. An act for the benefit of T. W. Samuels, sheriff of Nelson county -----	149
Chapter 701. An act for the benefit of W. T. Jackman, late sheriff of Russell county -----	149
Chapter 702. An act for the benefit of James B. Cook, sheriff of Trimble county -----	149

	PAGE.
Chapter 704. An act for the benefit of school district No. 16, in Fleming county	150
Chapter 705. An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Shelbyville"	150
Chapter 706. An act in relation to the measurement of brick-work in the city of Louisville and county of Jefferson	152
Chapter 707. An act to amend the charter of the town of Independence, in Kenton county	152
Chapter 708. An act to amend the charter of the city of Columbus	152
Chapter 709. An act to amend an act, entitled "An act to appoint trustees for the town of Franklin, in the county of Simpson," approved November 2, 1820	153
Chapter 710. An act amending the charter of the town of Madisonville	153
Chapter 711. An act to incorporate the Brooksville Seminary	154
Chapter 712. An act to amend "An act concerning the Harrison County Academy," approved February 22, 1865	155
Chapter 713. An act to incorporate the Morganfield Male and Female Collegiate Institute	156
Chapter 714. An act to incorporate the Paducah Library and Literary Association,	157
Chapter 715. An act to incorporate the Paducah and Illinois Bridge Company	159
Chapter 716. An act to incorporate the Teachers' Mutual Aid Association, of Louisville	163
Chapter 717. An act to incorporate the Franklin Female College	164
Chapter 718. An act to incorporate the trustees of the White Baptist Church at Cane Run, Port Royal	168
Chapter 719. An act to incorporate the Blue Grass Agricultural, Mechanical, and Horticultural Association	169
Chapter 720. An act to incorporate the Kentucky Cotton Mill Company	171
Chapter 721. An act to incorporate Tompkins Lodge of Free and Accepted Masons, No. 178, at Edmonton	173
Chapter 722. An act for the benefit of Mountain Lodge, No. 187, of Free and Accepted Masons	173
Chapter 723. An act to incorporate Falls City Lodge, No. 376, Free and Accepted Masons, Louisville	174
Chapter 724. An act allowing the citizens of Clark county to pass to and from church over the turnpike roads in said county	174
Chapter 725. An act to continue in force an act, entitled "An act to amend the charter of the Louisville and Taylorsville turnpike road company"	175
Chapter 726. An act for the benefit of the New Castle and Carrollton turnpike road company	175
Chapter 727. An act to regulate the manner of having turnpike roads in Clark county kept in order	175
Chapter 728. An act to incorporate the Bracken and Robertson County turnpike road company	176
Chapter 729. An act to incorporate the Glenville and Mount Zion turnpike road company	179
Chapter 730. An act to incorporate the Salt River, Otter Creek, and Big Spring turnpike company	180

CONTENTS.

IX

	PAGE.
Chapter 731. An act to amend "An act to incorporate the Smithfield and Shelby County turnpike road company	182
Chapter 732. An act to authorize the city of Owensboro to subscribe railroad stock,	183
Chapter 733. An act to amend the charter of the Deposit Bank of Georgetown.....	183
Chapter 734. An act for the benefit of Thomas Gaither, of Mason county.....	184
Chapter 735. An act for the benefit of J. M. Glover, Jas. S. Evans, and others, of Montgomery county.....	184
Chapter 736. An act for the benefit of Oliver Fairchild, of the city of Covington...	185
Chapter 737. An act for the benefit of J. P. Hendricks, justice of the peace of Muhlenburg county.....	185
Chapter 738. An act for the benefit of the representatives of John H. Harney.....	185
Chapter 739. An act for the benefit of Richard J. Hughey, late county and circuit clerk of Bracken county.....	186
Chapter 740. An act for the benefit of Sarah A. and Julia G. Burton, of Mason county	186
Chapter 741. An act for the benefit of D. W. Parish, of Clark county.....	187
Chapter 742. An act to incorporate the Regular Baptist Church at Owenton.....	187
Chapter 744. An act to incorporate the Newport Newspaper Company.....	188
Chapter 745. An act to incorporate the "Hopkinsville Building Company"	189
Chapter 746. An act to incorporate Christ's Church, in Columbus, Hickman county,	191
Chapter 747. An act to incorporate the Hopeful Cemetery Company	192
Chapter 748. An act to incorporate the Bardstown Cemetery Company	194
Chapter 749. An act to incorporate the Odd Fellows' Mutual Life Assurance Association of Louisville.....	196
Chapter 750. An act to incorporate the St. Michael's Benevolent Society of Louisville	197
Chapter 434. An act to amend an act, approved March 2d, 1865, entitled "An act allowing school districts to levy a district school tax"	198
Chapter 526. An act to amend the charter of the Louisville and Nashville railroad company, approved March 5th, 1850	198
Chapter 751. An act to incorporate "The Kentucky Club," at Louisville	200
Chapter 752. An act to incorporate the Mutual Benevolent Police Union, No. 1, of Kentucky.....	201
Chapter 753. An act to incorporate the Iron Moulders' Union, No. 18, of the city of Louisville	202
Chapter 754. An act to incorporate the Southwestern Furniture Manufacturing Company	203
Chapter 755. An act to incorporate the "Louisville Shooting Club"	205
Chapter 756. An act to incorporate the Platonian Literary Society of Louisville ..	206
Chapter 757. An act to amend an act, entitled "An act to extend the charter of the Louisville Gas Company," approved January 30, 1867.....	206
Chapter 758. An act to amend an act approved 7th March, 1867, entitled "An act to incorporate the Louisville Burial Association"	207
Chapter 759. An act to change the county line between the counties of Mason and Robertson	207
Chapter 760. An act for the benefit of the justices of the peace and constables in Campbell county	208

	PAGE.
Chapter 762. An act to establish an additional justices' and voting precinct in Marshall county	208
Chapter 763. An act to amend an act, entitled "An act to establish two additional justices' districts in the county of Mason"	209
Chapter 764. An act to change the boundary line of the Prestonsburg voting precinct and magistrates' district, in Floyd county	210
Chapter 765. An act to repeal an act, entitled "An act in relation to Flat Creek precinct, in Grant county," approved March 11th, 1867	210
Chapter 766. An act to repeal an act, entitled "An act to divide district No. 3, and to establish district No. 7, in Johnson county"	211
Chapter 767. An act to establish an additional voting district in Floyd county	211
Chapter 768. An act to change the voting place in district No. 4, in Butler county	212
Chapter 769. An act to change the place of voting in election precinct No. 4, in Crittenden county	212
Chapter 770. An act to change the voting place in district No. 6, in McCracken county	212
Chapter 771. An act to change the voting place in precinct No. 8, in Morgan county	212
Chapter 772. An act to change the voting place in the Covington precinct, in Oldham county	213
Chapter 773. An act regulating justices' district No. 1, of Estill county	213
Chapter 774. An act to change the line between the Tollsboro and Esculapia voting precincts, in Lewis county	214
Chapter 775. An act to charter the town of Hiseville, in Barren county	214
Chapter 776. An act to amend the charter of the town of Dover, in Mason county	215
Chapter 777. An act to protect the citizens of Fayette county	215
Chapter 778. An act to amend the charter of Hardinsville, Shelby county	216
Chapter 779. An act to amend the charter of the city of Paris	217
Chapter 780. An act to amend the charter of the town of Russellville	219
Chapter 781. An act amending the charter of the town of Taylorsville, Spencer county	220
Chapter 782. An act to extend the limits of the city of Newport	220
Chapter 783. An act to amend the charter of the town of Alexandria, in Campbell county	221
Chapter 784. An act to amend the city charter of Ludlow	223
Chapter 785. An act to amend the charter of the town of Shelby City, Boyle county	223
Chapter 786. An act to amend the charter of the city of Paducah	224
Chapter 787. An act for the benefit of the town of Hodgenville	224
Chapter 788. An act to extend the limits of the town of Danville, and amend the charter thereof	225
Chapter 789. An act to repeal section one of an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts incorporating the town of Flemingsburg'"	225
Chapter 790. An act to amend the charter of the town of Hodgenville	225
Chapter 791. An act to amend an act, entitled "An act to incorporate the towns of Cloverport and Lower Cloverport into the town of Cloverport"	226
Chapter 792. An act to incorporate the town of Trenton	228

CONTENTS.

XI

	PAGE.
Chapter 793. An act amending the several acts relating to the town of Carlisle, Nicholas county	230
Chapter 794. An act to amend the charter of the town of Mackville, in Washington county	233
Chapter 795. An act to amend an act, entitled "An act to incorporate the town of Woodville, in the counties of Ballard and McCracken," approved January 30th, 1867	235
Chapter 796. An act to amend the charter of the town of Gordonsville.....	237
Chapter 797. An act to incorporate Waco Lodge, No. 338, Free and Accepted Masons.....	238
Chapter 798. An act to incorporate Russellville Lodge, No. 17, of Ancient York Masons	239
Chapter 799. An act to incorporate Zebulon Lodge, No. 273, of Free and Accepted Masons	241
Chapter 800. An act to incorporate Fitch Lodge, No. 309, of Free and Accepted Ancient York Masons, in the county of Hardin.....	241
Chapter 801. An act to incorporate Johnston Lodge, No. 294, Free and Accepted Masons, in Breckinridge county	242
Chapter 802. An act to incorporate L. M. Cox Lodge, No. 327, Free and Accepted Masons, in Christian county.....	243
Chapter 803. An act to incorporate Gustav Adolph Lodge, No. 5, American Protestant Association, of Louisville.....	244
Chapter 804. An act to incorporate the Woodford Coal and Wood Company.....	245
Chapter 805. An act to authorize the Hancock county court to levy additional taxes,	246
Chapter 806. An act to authorize the correction of the survey and grant to "Trustees of Augusta College"	247
Chapter 807. An act to regulate partnership fences in Clark county.....	247
Chapter 815. An act for the benefit of C. A. Duncan, late sheriff of Calloway county,	249
Chapter 816. An act for the benefit of A. W. Nickell, sheriff of Johnson county...	250
Chapter 817. An act for the benefit of the sureties of J. T. Young, late sheriff of Lyon county	250
Chapter 818. An act to incorporate the City Banking Company, of Campbell county,	250
Chapter 819. An act to incorporate the Henderson Horse-Shoe Bend Fence Company, of Henderson county.....	253
Chapter 820. An act to incorporate the Broadhead Mining and Manufacturing Company in Rockcastle, Laurel, and Whitley counties	256
Chapter 821. An act to incorporate the Fishback Mining and Manufacturing Company.....	257
Chapter 822. An act to incorporate the Falmouth Hydraulic, Mining, Lumber, and Manufacturing Company	258
Chapter 823. An act to incorporate the Florence Pottery Company.....	261
Chapter 824. An act to charter the Woman's Hospital, of the State of Kentucky...	262
Chapter 825. An act to incorporate the Falls City and Ohio River Packet Company,	264
Chapter 826. An act for the benefit of A. W. Cecil	265
Chapter 827. An act for the benefit of W. O. Hampton, clerk of the Boyd circuit and county courts	266

CONTENTS.

	PAGE.
Chapter 828. An act to increase the jurisdiction of the police judge and town marshal of Dycusburg, in Crittenden county	266
Chapter 829. An act to enlarge the jurisdiction and powers of the police judge and marshal of the town of Wyoming	267
Chapter 830. An act for the benefit of J. F. Yates, Police Judge of Clinton county,	267
Chapter 831. An act to incorporate Fulton Lodge, No. 120, of Free and Accepted Masons	267
Chapter 837. An act to prevent the sale of spirituous liquors by the small within one mile of the town of St. Mary's, in Marion county	268
Chapter 838. An act to amend the charter of the town of Loretto, in Marion county,	269
Chapter 839. An act to incorporate the town of Hinkleville, in Ballard county.....	269
Chapter 840. An act to amend the charter of the town of Stanford.....	271
Chapter 841. An act to amend section 14 of an act approved March 9th, 1867, entitled "An act to incorporate the town of Prestonsburg"	272
Chapter 842. An act to extend the corporate limits of the town of Milburn, in Ballard county	273
Chapter 843. An act to amend and reduce into one the several acts concerning the town of Versailles	273
Chapter 844. An act to amend the charter of the town of Nicholasville	298
Chapter 845. An act to amend the charter of the town of Lafayette, in Christian county	299
Chapter 846. An act to amend an act, entitled "An act to amend and reduce into one the several acts to incorporate and relating to the town of Flemingsburg"	299
Chapter 847. An act to extend the limits of the town of Mt. Washington, in Bullitt county	299
Chapter 848. An act concerning Samuel Haycraft's enlargement to Elizabethtown ..	300
Chapter 849. An act for the benefit of the county judge of Union county.	300
Chapter 850. An act for the benefit of Levi Kash, judge of the Wolfe county and quarterly courts	301
Chapter 851. An act for the benefit of Geo. W. Darlington, of Greenup county.....	301
Chapter 852. An act for the benefit of John Pitman, late clerk of the Laurel county and circuit courts.....	301
Chapter 853. An act for the benefit of A. B. Patrick, late clerk of the Breathitt circuit and county courts	302
Chapter 854. An act for the benefit of certain late officers	302
Chapter 855. An act for the benefit of W. M. Samuels, of Hickman county.....	303
Chapter 856. An act for the benefit of Westley Phelps, sheriff of Bullitt county....	303
Chapter 857. An act to incorporate the St. Vincent's Orphan Asylum	304
Chapter 858. An act to incorporate the Green River Synod of the Cumberland Presbyterian Church	305
Chapter 859. An act to incorporate the Board of Trustees of the Presbyterian Church of Morganfield	306
Chapter 862. An act for the benefit of Warren county	306
Chapter 863. An act in relation to State roads in Union county	307
Chapter 864. An act to amend the charter of the Independence and Big Bone turnpike company	307

CONTENTS.

XIII

	PAGE.
Chapter 865. An act to incorporate Blandville and Cairo turnpike road company,	308
Chapter 866. An act to incorporate the Glasgow railroad company	309
Chapter 867. An act chartering the St. Louis, Shawneetown, and Madisonville railroad company	310
Chapter 868. An act to enlarge and define the boundary of the town of Bowling Green	315
Chapter 869. An act to amend the charter of the city of Dayton, in Campbell county	316
Chapter 870. An act to create an additional justices' district and voting precinct in Harlan county	316
Chapter 873. An act extending the time of the Marion circuit court	317
Chapter 876. An act to provide for the settlement of the accounts of N. Craig, late Keeper of the Penitentiary	317
Chapter 877. An act to amend and construe the fourth section of the "Act to establish a Court of Common Pleas in Jefferson county," approved February 24, 1865	318
Chapter 878. An act for the benefit of school district No. 8, in Bullitt county	318
Chapter 879. An act to increase the jurisdiction of the quarterly court of Henry county in criminal and penal causes	318
Chapter 880. An act to amend an act, entitled "An act to incorporate the St. Joseph's Orphan Society of Louisville," approved December 2d, 1851,	320
Chapter 881. An act to charter the Kendrick Institute of Learning, in Wayne county	321
Chapter 883. An act to incorporate the Hopkinsville Coal, Iron, and Manufacturing Company	323
Chapter 884. An act incorporating the Washington Manufacturing and Mining Company	325
Chapter 885. An act to incorporate the Kentucky Life Insurance Company	326
Chapter 886. An act to incorporate Big Spring Lodge, No. 162, Independent Order of Odd Fellows	331
Chapter 887. An act to incorporate Columbia Lodge, No. 1, Knights of the Crescent	331
Chapter 888. An act to incorporate Mayo Lodge, No. 198, Free and Accepted Masons, of Campbell county	332
Chapter 889. An act to incorporate the Seventh District Academy, in Garrard county	333
Chapter 891. An act creating the forty-ninth school district in Monroe county	334
Chapter 892. An act for the benefit of school district No. 25, in Grant county	334
Chapter 893. An act establishing the seventh school district in Clinton county	335
Chapter 894. An act, entitled "An act to amend an act allowing common school districts to levy a district school tax for the benefit of school district No. 20, in Mercer county"	336
Chapter 895. An act for the benefit of school district No. 6, in Fleming county	336
Chapter 897. An act to authorize the trustees of the town of Calhoun to sell public ground in said town	336
Chapter 898. An act for the benefit of the town of New Liberty, in Owen county	337

	PAGE.
Chapter 899. An act for the benefit of D. Little, late presiding judge of McLean county	337
Chapter 900. An act for the benefit of the Rockcastle county court	338
Chapter 901. An act for the benefit of Gallatin county	338
Chapter 902. An act for the benefit of Russell county	339
Chapter 903. An act to repeal an act, entitled "An act for the benefit of Fleming county"	339
Chapter 904. An act for the benefit of Floyd county	339
Chapter 906. An act for the benefit of the Washington county court	340
Chapter 907. An act to legalize the action of the Lawrence county court of levy and claims at the November term, 1866	340
Chapter 908. An act for the benefit of the county court of Hardin county	341
Chapter 909. An act to legalize the acts of the Bracken county court	341
Chapter 910. An act to authorize the signing of certain records of the Jackson county court	342
Chapter 911. An act to authorize the Logan county court to increase the county levy	342
Chapter 913. An act to authorize the county court of Trimble county to subscribe stock in turnpike roads on certain conditions	342
Chapter 914. An act to authorize the Campbell county court to make subscriptions to the capital stock of turnpike road companies located within said county	343
Chapter 915. An act to authorize the Washington county court to sell the poor-house belonging to said county	344
Chapter 916. An act to authorize the city of Covington to copy certain records in the Kenton county court	344
Chapter 917. An act to authorize the county court of Butler county to sell and convey the poor-house in said county	345
Chapter 918. An act to authorize Robertson county to borrow money	345
Chapter 919. An act to authorize the county of Shelby to build a work-house	346
Chapter 920. An act to authorize the county court of Shelby to sell bonds of the county to pay debts of county	346
Chapter 921. An act to authorize the Pendleton county court to raise money to build bridges, &c.	347
Chapter 923. An act to change the time of holding the quarterly Courts in Clinton county	349
Chapter 924. An act for the benefit of John C. Conkin, late clerk of the Monroe county court	349
Chapter 925. An act for the benefit of A. L. Morton, circuit court clerk of Ohio county	349
Chapter 926. An act for the benefit of F. A. Smith, late sheriff of Hart county	350
Chapter 927. An act for the benefit of W. A. Ronald, late sheriff of Jefferson county	350
Chapter 928. An act for the benefit of James W. Hogg, sheriff of Letcher county ..	350
Chapter 929. An act for the benefit of Samnel Ellis, sheriff of Lewis county	351
Chapter 930. An act for the benefit of the securities of James B. McWhorter, late sheriff of Taylor county	351
Chapter 931. An act for the benefit of H. F. James, sheriff of Mercer county	352

CONTENTS.

XV

	PAGE.
Chapter 932. An act for the benefit of William Mullens, former sheriff of Wayne county	352
Chapter 933. An act for the benefit of the sheriff of Hancock county	353
Chapter 934. An act for the benefit of John W. Kirby, late sheriff of Gallatin county	353
Chapter 935. An act for the benefit of Harrison Crouch and Green C. Hardin, of Washington county	354
Chapter 936. An act for the benefit of T. W. Pickering, of Caldwell county	354
Chapter 937. An act for the benefit of J. A. Jacobs	355
Chapter 940. An act to incorporate the Lewis and Mason County turnpike road company	355
Chapter 941. An act to incorporate the Licking and Wyoming turnpike road company	358
Chapter 942. An act to incorporate the Alexandria and Crane Trace turnpike company	359
Chapter 943. An act to incorporate the Bethel and Owingsville turnpike road company	361
Chapter 944. An act to amend the charter of the Alexandria and Flag Springs turnpike road company, in Campbell county	362
Chapter 945. An act to establish a new road from the Hopkinsville road to Mayfield	362
Chapter 946. An act to amend an act incorporating the "Hustonville and Nealy's Gap turnpike road company"	364
Chapter 947. An act to incorporate the Massie's Mill turnpike road company	364
Chapter 948. An act to incorporate the Flatwoods turnpike road company	365
Chapter 949. An act to incorporate the Walton and Frazee turnpike road company, in Mason county	366
Chapter 950. An act authorizing the county court of Crittenden to change the State roads leading from Princeton to Weston and Ford's Ferry ..	369
Chapter 951. An act for the benefit of H. I. Todd	370
Chapter 953. An act to confer upon Catherine C. Sayre all the rights of an unmarried woman	370
Chapter 954. An act to incorporate the Iron Hills railway company	371
Chapter 955. An act to incorporate the Citizens' Insurance Company of Kentucky, ..	372
Chapter 957. An act to amend the charter of the Kentucky Land Company	375
Chapter 958. An act to incorporate the "Louisville Democratic Club"	376
Chapter 959. An act to incorporate the Hopkinsville Warehouse and Inspection Company	377
Chapter 960. An act to incorporate the Paducah Iron Manufacturing Company ...	379
Chapter 963. An act authorizing a settlement of accounts with Sidney S. Lyon, late Assistant State Geologist	381
Chapter 964. An act enabling the citizens of Warren county to take steps inducing the location of the State Capital in said county	381
Chapter 966. An act for the benefit of the heirs of Solomon Hart, deceased	382
Chapter 967. An act for the benefit of Messrs. Faran & McLean	383
Chapter 968. An act for the benefit of O. Waddill, of Hopkins county	383
Chapter 969. An act for the benefit of Simon Humphrey	383

	PAGE.
Chapter 970. An act for the benefit of R. E. Puyear	384
Chapter 971. An act for the benefit of John Mackoy, of Kenton county	384
Chapter 972. An act for the benefit of Willie M. Gorin	385
Chapter 973. An act for the benefit of Hugh F. Finley, Commonwealth's Attorney,	385
Chapter 974. An act for the benefit of the sheriff of Pulaski county	385
Chapter 975. An act for the benefit of B. F. Howard, sheriff of Magoffin county...	386
Chapter 976. An act for the benefit of Thos. Cook, sheriff of Clay county	386
Chapter 977. An act for the benefit of Benoni Mills, late sheriff of Wayne county,	386
Chapter 978. An act for the benefit of Thos. J. Jolly, late sheriff of Breckinridge county	387
Chapter 979. An act for the benefit of the deputies and legal representatives of James A. Hambleton, deceased, as late sheriff and county clerk of Breckinridge county	387
Chapter 980. An act for the benefit of Wm. J. Eaton, late constable of Whitley county	387
Chapter 981. An act for the benefit of B. Callaway, late sheriff of Harlan county,	388
Chapter 982. An act to amend an act, entitled "An act to amend and reduce into one the acts to incorporate the town of Flemingsburg, in Fleming county"	388
Chapter 983. An act for the benefit of the citizens of London, closing an alley and to open up another street	389
Chapter 984. An act to amend the charter of Whitesville, in Daviess county	389
Chapter 985. An act to release the title of the Commonwealth, &c., to a house and lot in Versailles	390
Chapter 986. An act to incorporate the town of New Concord, in Calloway county,	390
Chapter 987. An act to amend an act reducing into one all the acts relating to the town of Stamping Ground, in Scott county	393
Chapter 988. An act to amend the charter of the town of Greenupsburg	393
Chapter 989. An act to authorize the county courts of Powell and Estill counties to levy an additional tax	393
Chapter 990. An act to authorize the judge of the Kenton quarterly court to ap- point a special agent to execute process	394
Chapter 991. An act to amend an act, entitled "An act to incorporate the Flem- ingsburg and Mt. Carmel turnpike road company"	394
Chapter 993. An act to incorporate the Shelbyville and Harrisonville turnpike road company	395
Chapter 995. An act to incorporate the Augusta and Germantown turnpike road company	397
Chapter 996. An act to fix and regulate the tolls at the gate of the Muldrough's Hill turnpike road and bridge company	397
Chapter 997. An act to incorporate the Augusta and Mt. Zion turnpike road com- pany	398
Chapter 998. An act to enable Warren county to construct macadamized and other roads in said county	399
Chapter 999. An act to incorporate Bullskin and Middletown turnpike road com- pany	401

CONTENTS.

XVH

	PAGE.
Chapter 1000. An act for the benefit of common school district No. 26, in Josh Bell county	403
Chapter 1001. An act in relation to the sale of real estate under execution in Kenton county	404
Chapter 1002. An act to establish two additional justices' districts and voting precincts in Morgan county	404
Chapter 1004. An act to amend an act, entitled "An act to amend an act authorizing the appointment of persons to serve process in the justices' court of the city of Louisville"	405
Chapter 1006. An act to amend an act, entitled "An act to amend the charter of the city of Louisville," approved February 17th, 1866	405
Chapter 1008. An act amending the eleventh section of the fifth article of the charter of the city of Louisville	405
Chapter 1009. An act to amend the charter of the city of Louisville, authorizing issue of bonds to defray expenses in building a new jail	406
Chapter 1010. An act to extend the boundary line of the city of Louisville	407
Chapter 1011. An act for the benefit of the city of Louisville	408
Chapter 1012. An act for the benefit of the city of Louisville, and to amend the charter of said city	410
Chapter 1013. An act to amend the charter of the city of Newport	426
Chapter 1014. An act to amend the charter of the city of Covington	427
Chapter 1015. An act to amend and reduce into one all the acts concerning the town of Burksville	432
Chapter 1016. An act to amend the several acts incorporating the town of Williams-town, in Grant county	441
Chapter 1017. An act to incorporate the town of Osceola, in Green county	449
Chapter 1018. An act to incorporate the town of Weston, in Crittenden county	450
Chapter 1019. An act to amend the charter of the town of Poplar Plains, in Fleming county	453
Chapter 1020. An act for the benefit of the town of Middletown	453
Chapter 1021. An act to amend the charter of the town of Germantown	454
Chapter 1022. An act to amend the charter of the town of Mansville, in Taylor county	455
Chapter 1023. An act to amend an act, entitled "An act to incorporate the town of Sharpsburg," approved January 9th, 1852	455
Chapter 1024. An act to amend an act, entitled "An act to amend and reduce into one all acts concerning the town of Versailles"	456
Chapter 1025. An act to amend the charter of the town of Middletown	457
Chapter 1026. An act to amend an act, entitled "An act to incorporate the town of Providence, in Webster county"	457
Chapter 1027. An act to legalize the acts of the police judge, town marshal, and certain trustees, of the town of Hardyville, in Hart county	458
Chapter 1028. An act to extend the corporate limits of the town of Owingsville, Bath county	458
Chapter 1029. An act to amend an act, entitled "An act to amend the charter of the town of Munfordville"	459

	PAGE.
Chapter 1030. An act to amend an act, entitled "An act to amend and reduce into one the several acts relating to the town of Georgetown"-----	461
Chapter 1031. An act repealing an act to prevent the sale of spirituous, malt, or vinous liquors, in the town of Grundy, in Pulaski county-----	461
Chapter 1032. An act to prohibit the sale of intoxicating liquors in the town of Foster, Bracken county-----	462
Chapter 1033. An act to amend the charter of the town of Crittenden, in Grant county-----	463
Chapter 1034. An act to incorporate the Clifton Kentucky River Bridge Company-----	468
Chapter 1035. An act to repeal an act, entitled "An act to charter the Board of Internal Improvement for Barren county, and for other purposes," approved January 30th, 1867, and the amendments thereto-----	471
Chapter 1036. An act for the benefit of the Board of Internal Improvement of Shelby county-----	471
Chapter 1037. An act to improve the navigation of Licking river-----	472
Chapter 1038. An act declaring the North Fork of Licking river a navigable stream-----	472
Chapter 1039. An act to incorporate the Allensville and Elkton turnpike road company-----	473
Chapter 1040. An act for the benefit of the Maxville, Millersburg, and Beech Fork turnpike road company-----	477
Chapter 1041. An act to incorporate the Hodgenville and Elizabethtown turnpike road company-----	478
Chapter 1042. An act to incorporate the Hodgenville and Muldrough's Hill turnpike road company-----	480
Chapter 1043. An act to amend and revive the charter of the Perryville and Union Meeting-house turnpike road company-----	483
Chapter 1044. An act to incorporate the Versailles and McCracken's Mill turnpike road company-----	483
Chapter 1045. An act to incorporate the Burleyville and Muldrough's Hill turnpike road company-----	485
Chapter 1046. An act to amend the charter of the Versailles and Anderson turnpike road company-----	486
Chapter 1047. An act supplemental to an act, entitled "An act to incorporate the Harrodsburg and Cornishville turnpike road company"-----	487
Chapter 1048. An act to incorporate the Shelbyville and Belleview turnpike road company-----	487
Chapter 1049. An act to incorporate the Florence and Anderson's Ferry turnpike company-----	489
Chapter 1050. An act to charter the Cane Ridge and Sharpsburg turnpike road company-----	490
Chapter 1051. An act to repeal an act, entitled "An act for the benefit of the Lancaster and Crab Orchard turnpike road company," approved February 17th, 1866, and to repeal an act amendatory thereto, approved March 9th, 1867, and to revive the second section of an act, entitled "An act for the benefit of the Lancaster and Crab Orchard turnpike road company," approved December 2d, 1851, which was repealed by the act approved February 17th, 1866-----	491

CONTENTS.

XIX

	PAGE.
Chapter 1052. An act to enable the Washington county court to take stock in the turnpike roads in said county-----	492
Chapter 1053. An act to repeal the Shelbyville and Eminence turnpike road charter, and to incorporate the Eminence and Fox Run company-----	493
Chapter 1054. An act to incorporate the Washington and Anderson turnpike road company-----	495
Chapter 1055. An act to change the State road leading from Hopkinsville to Columbus-----	498
Chapter 1056. An act to incorporate the Bracken turnpike road company, &c.-----	498
Chapter 1057. An act to repeal the second section of an act, entitled "An act for the benefit of the Springfield and Bardstown turnpike road company," approved February 17th, 1866-----	498
Chapter 1058. An act to charter the Harrisonville and Boyd Shop turnpike road company-----	499
Chapter 1059. An act to exempt Caseyville and Uniontown, in Union county, from the road tax-----	500
Chapter 1060. An act to repeal the second section of an act, entitled "An act for the benefit of the Springfield and Bardstown turnpike road company," approved February 17th, 1866-----	500
Chapter 1061. An act to amend an act, entitled "An act to incorporate the Hillsboro and Wyoming turnpike road company"-----	500
Chapter 1062. An act to amend the several acts relating to the Union turnpike road company-----	501
Chapter 1063. An act to incorporate the Martha Mills and Blue Lick turnpike road company, in Fleming county-----	502
Chapter 1064. An act to amend the charter of the Russellville District turnpike company-----	506
Chapter 1065. An act to amend the charter of the Lowell and Spoonville turnpike road company-----	507
Chapter 1066. An act for the benefit of certain turnpike roads in Nicholas county-----	507
Chapter 1067. An act for the benefit of the Rush Branch turnpike road company-----	507
Chapter 1068. An act authorizing the counties of Lincoln and Pulaski to subscribe stock in a turnpike road-----	508
Chapter 1069. An act to authorize the sale of the Richmond and Irvine turnpike road and its franchises and privileges-----	508
Chapter 1070. An act to amend the charter of the Shelbyville and Taylorsville turnpike road company-----	509
Chapter 1071. An act to amend the charter of the Lexington, Harrodsburg, and Perryville turnpike road company-----	509
Chapter 1072. An act to incorporate the Garrard County and Kirksville turnpike road company-----	510
Chapter 1073. An act to amend an act, entitled "An act to incorporate the Paint Lick, Walnut Meadow, and Big Hill turnpike road company," approved February 5th, 1868-----	511
Chapter 1074. An act to amend an act, entitled "An act to incorporate Christiansburg turnpike or plank road company"-----	511
Chapter 1075. An act to amend an act, entitled "An act to incorporate the Hillsboro and Wyoming turnpike road company"-----	512

	PAGE.
Chapter 1076. An act to amend the charter of the Sherburne and Blue Lick turnpike road company.....	512
Chapter 1077. An act for the benefit of the Mount Sterling and Levee turnpike road company	512
Chapter 1078. An act to repeal the second section of an act, entitled "An act for the benefit of the Bardstown and Green river turnpike road," approved 15th February, 1866.....	513
Chapter 1079. An act to incorporate the Bohon Town turnpike road company.....	513
Chapter 1080. An act to incorporate the Dividing Ridge turnpike road company, in Mason county.....	514
Chapter 1081. An act to incorporate the Taylorsville and Salt river turnpike road company	517
Chapter 1082. An act to amend the charter of the Hopewell and Bethlehem turnpike road company.....	518
Chapter 1083. An act to amend the charter of the Cartwright and Beechland turnpike road company.....	518
Chapter 1084. An act to incorporate the Dayton and Four Mile turnpike road company, in Campbell county.....	519
Chapter 1085. An act to incorporate the Cane Ridge and Sharpsburg turnpike road company	519
Chapter 1086. An act to incorporate the Eminence and Franklinton turnpike road company	522
Chapter 1087. An act for the benefit of the Springfield and Bardstown turnpike company	524
Chapter 1088. An act to incorporate the Hinkston turnpike road company.....	524
Chapter 1089. An act to amend the charter of the Independence and Colemansville turnpike road company.....	526
Chapter 1090. An act for the benefit of G. S. Jones, sheriff of Marshall county....	526
Chapter 1091. An act for the benefit of W. J. Coffee and his sureties.....	527
Chapter 1092. An act for the benefit of Gip Taylor, sheriff of Union county.....	527
Chapter 1093. An act for the benefit of E. B. Caldwell, late sheriff of Lincoln county	528
Chapter 1094. An act for the benefit of James Vaughn, former sheriff of Knox county, and his sureties.....	528
Chapter 1095. An act for the benefit of Joseph Bell and his sureties.....	529
Chapter 1096. An act for the benefit of Wm. C. Myers and Patrick Napier, late sheriffs of Casey county.....	529
Chapter 1097. An act for the benefit of W. D. Bailey, late constable of Webster county.....	529
Chapter 1098. An act for the benefit of James H. Hall, sheriff of Powell county..	530
Chapter 1099. An act for the benefit of R. H. Ernest, late sheriff of Simpson county	530
Chapter 1100. An act for the benefit of B. F. Jameson, sheriff of Hart county.....	530
Chapter 1101. An act for the benefit of James H. Reed, sheriff of Metcalfe county..	531
Chapter 1102. An act giving further time to John A. Morrison, sheriff of Clinton county, to execute bond.....	532
Chapter 1103. An act to allow the sheriff of Lyon county to distrain for taxes uncollected for the years 1861, 1862, and 1863.....	532

CONTENTS.

XXI

	PAGE
Chapter 1104. An act for the benefit of Leslie Johnson, late sheriff of Letcher county	532
Chapter 1105. An act for the benefit of Robert H. Earnest, former sheriff of Simpson county	533
Chapter 1106. An act for the benefit of Young E. Hurt, late sheriff of Adair county	533
Chapter 1107. An act for the benefit of Alex. W. Nickell, sheriff of Johnson county	534
Chapter 1108. An act to authorize the Secretary of State to furnish certain books to the sheriff of Allen county	534
Chapter 1109. An act for the benefit of John C. Eastham, sheriff of Boyd county ..	534
Chapter 1110. An act for the benefit of Paul C. Bedford, late sheriff of Montgomery county, and his sureties	535
Chapter 1111. An act for the benefit of John S. Marksbury, late sheriff of Grant county	535
Chapter 1112. An act for the benefit of Edward R. Price, sheriff of Todd county ..	535
Chapter 1113. An act for the benefit of A. W. Blair, former sheriff of Nicholas county	536
Chapter 1114. An act for the benefit of J. C. Vanarsdale and H. F. James, late sheriffs of Mercer county	536
Chapter 1115. An act for the benefit of Samuel H. Piles, sheriff of Livingston county	537
Chapter 1116. An act for the benefit of James W. Linden, sheriff of Breathitt county	537
Chapter 1117. An act for the benefit of Jno. W. Duncan, sheriff of Wayne county ..	537
Chapter 1118. An act for the benefit of George W. Pickett, sheriff of Adair county ..	538
Chapter 1119. An act for the benefit of Almanzo Kincheloe, late sheriff of Spencer county	538
Chapter 1120. An act for the benefit of A. Q. Baker, late sheriff of Boone county ..	539
Chapter 1121. An act for the benefit of Elijah Litton, late sheriff of Whitley county	539
Chapter 1123. An act for the benefit of John H. Allison and sureties	539
Chapter 1124. An act for the benefit of James W. Johnson, late sheriff of Rowan county	540
Chapter 1125. An act to establish a ferry across the Cumberland river at Eddyville ..	540
Chapter 1126. An act to authorize William Cox to keep a ferry on Licking river, in Morgan county	541
Chapter 1127. An act to increase the fees of assessors	541
Chapter 1128. An act to erect a monument over the grave of the late Governor Lazarus W. Powell	541
Chapter 1129. An act to provide for taking proof, by deposition, in the Jefferson court of common pleas, and authorizing the appointment of a commissioner or commissioners for such purpose	542
Chapter 1132. An act to incorporate the Deposit Bank of Midway	543
Chapter 1135. An act to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap railroad company"	544
Chapter 1136. An act to incorporate "The Elizabethtown and Owensboro railroad company"	545

CONTENTS.

	PAGE.
Chapter 1137. An act to incorporate the Cedar Hill and Oakland Railway Company	533
Chapter 1138. An act to incorporate the Louisville, Harrodsburg, and Virginia railroad	555
Chapter 1139. An act to incorporate the Paris, Versailles, and Danville railroad company	559
Chapter 1140. An act to amend an act, entitled "An act to incorporate the Citizens' Passenger Railway Company, of Louisville, Kentucky"	571
Chapter 1142. An act to incorporate the Newport and Covington Water-works Company	572
Chapter 1143. An act to incorporate the Covington Hotel Company	575
Chapter 1144. An act to incorporate the Rebekah's Benevolent Society of Covington, Kentucky	577
Chapter 1145. An act for the benefit of the Cincinnati Mutual Health Assurance Company, of Cincinnati, Ohio	578
Chapter 1146. An act to incorporate the Callettsburg Brass Band	579
Chapter 1147. An act to incorporate the Paducah Social Club at Paducah, in McCracken county	580
Chapter 1148. An act supplemental or amendatory to an act, entitled "An act to incorporate the Allensville Milling and Manufacturing Company"	581
Chapter 1149. An act for the incorporation of the Boyle County Medical Society	582
Chapter 1150. An act to incorporate the Allensville Hotel Company, of Allensville	583
Chapter 1151. An act to incorporate the Pewee Valley Building Association	585
Chapter 1152. An act to incorporate the Philomathean Literary Society of the Western University	586
Chapter 1153. An act to incorporate the Cloverport Association for the improvement of the breeds of horses	587
Chapter 1154. An act to incorporate the Central Kentucky Gold Mining and Smelting Company	588
Chapter 1155. An act to incorporate the First Gold Mining and Smelting Company of Kentucky	590
Chapter 1156. An act to amend the charter of the Kentucky Industrial and Emigration Association	591
Chapter 1159. An act to incorporate the Lexington Lyceum Society	591
Chapter 1160. An act to incorporate the Kentucky Cotton Growing and Manufacturing Company	592
Chapter 1161. An act concerning an act, entitled "An act to suppress public drinking-houses in Hart county," allowing the people of said county to vote on the repeal of said act	594
Chapter 1163. An act to incorporate the "Ashland Library Company"	595
Chapter 1164. An act to amend an act, entitled "An act to incorporate the Jefferson Southern Pond-draining Company"	597
Chapter 1165. An act to incorporate the Green and Barren River Navigation Company	599
Chapter 1166. An act to incorporate the Henderson Running Park Association	603
Chapter 1167. An act to incorporate the Paducah and Cairo Packet Company	605
Chapter 1168. An act to incorporate the Protective Brick-layers' Union, No. 1, city of Louisville	607

CONTENTS.

XXIII

	PAGE.
Chapter 1169. An act to incorporate the Louisville Club of the city of Louisville...	608
Chapter 1170. An act to incorporate the Kentucky Vinegar Company.....	609
Chapter 1171. An act to incorporate Carrsville Lodge, No. 387, of Ancient York Masons, of Livingston.....	610
Chapter 1172. An act to incorporate the T. C. Cecil Lodge, No. 375, Ancient York Masons.....	611
Chapter 1173. An act, entitled "An act for the benefit of the Christian Church at New Castle".....	611
Chapter 1174. An act to amend an act, entitled "An act for the benefit of the Fleming County Seminary".....	612
Chapter 1175. An act to authorize the trustees of the Christian Church, in Shelby county, to sell said church whenever they may think proper.....	613
Chapter 1176. An act for the benefit of the Mulberry Church, in Shelby county...	613
Chapter 1177. An act authorizing the trustees of New Chapel Church, in Hancock county, to sell said New Chapel buildings and lot, and reinvest proceeds of such sale.....	614
Chapter 1178. An act for the benefit of Vanceburg school district No. 55, in Lewis county.....	614
Chapter 1179. An act, entitled "An act for the benefit of school districts Nos. twenty-two, sixty-nine, and fifty, in Hardin county".....	615
Chapter 1180. An act for the benefit of school district number seven, in Jackson county.....	615
Chapter 1182. An act to change the boundary line between No. 7 and the Grayson precincts, in Carter county.....	616
Chapter 1183. An act to change the voting place in the Rollington precinct, in Oldham county.....	616
Chapter 1184. An act changing the place of voting in the town of Mayslick.....	616
Chapter 1185. An act for the benefit of precinct No. 8, in Mercer county.....	617
Chapter 1186. An act to change the voting place in precinct No. 2, in Livingston county.....	617
Chapter 1187. An act to establish an additional magistrates' district in Ohio county	617
Chapter 1188. An act to change the line between the Haysville and Lebanon magis- trates' and voting districts, in Marion county.....	618
Chapter 1189. An act to authorize the county court of Pendleton county to borrow money to pay off the railroad debt of said county.....	619
Chapter 1190. An act to legalize certain acts of the Mercer county court.....	619
Chapter 1191. An act for the benefit of Greenup county court.....	620
Chapter 1192. An act to authorize the Fleming county court to levy an ad valorem tax.....	620
Chapter 1193. An act to authorize the county court of Ohio county to raise money by sale of county bonds, to be used in building bridges and repair- ing roads.....	621
Chapter 1195. An act to define the line between the counties of Lewis and Carter..	622
Chapter 1199. An act for the benefit of the Lincoln county court.....	622
Chapter 1200. An act to punish certain trespasses in Scott county.....	622
Chapter 1201. An act for the benefit of certain officers of Pike and Letcher counties	623
Chapter 1202. An act for the benefit of Pike and Letcher counties.....	623

	PAGE.
Chapter 1203. An act to create and regulate the office of county treasurer for Franklin county-----	624
Chapter 1204. An act for the benefit of the janitor of the court-house of Jefferson county-----	625
Chapter 1206. An act for the benefit of the board of the Sinking Fund Commissioners for Hardin county-----	625
Chapter 1208. An act to suspend an act, entitled "An act to require the county courts to have one or more fire-proof vaults in their respective counties," approved February 11th, 1867, so far as the same applies to Muhlenburg county, for a period of four years from the passage of this act-----	627
Chapter 1209. An act for the benefit of the county courts of Adair and Taylor counties-----	627
Chapter 1210. An act for the benefit of the citizens of Josh Bell county-----	627
Chapter 1211. An act for the benefit of J. M. Atkeson, clerk of the Magoffin circuit court-----	628
Chapter 1212. An act for the benefit of the clerk of the Boyle circuit court-----	628
Chapter 1213. An act for the benefit of Thomas E. Young, late clerk of the Metcalfe county court-----	628
Chapter 1214. An act for the benefit of Robert Marshall, late clerk of the county court of Green county-----	629
Chapter 1215. An act for the benefit of K. Jameson, late judge of the Hart county court-----	629
Chapter 1216. An act for the benefit of C. W. Stratton, jailer of Shelby county---	629
Chapter 1217. An act for the benefit of Lewis T. Holmes, of Hancock county----	630
Chapter 1218. An act for the benefit of James J. Dyer, of Hart county-----	630
Chapter 1219. An act for the benefit of Stephen Angland and John A. Pickens, of Rockcastle county-----	630
Chapter 1220. An act for the benefit of John Y. Wooldridge, of Greenup county--	631
Chapter 1221. An act to restore David R. Boner, of Pendleton county, to the right of citizenship-----	632
Chapter 1222. An act for the benefit of Junius Caldwell, of Louisville-----	632
Chapter 1223. An act for the benefit of S. K. Damron-----	633
Chapter 1224. An act for the benefit of W. C. D. Whips and Company and Wallace Strain-----	633
Chapter 1225. An act for the benefit of Elizabeth Gilford-----	634
Chapter 1226. An act for the benefit of Martha Larue, of Larue county-----	634
Chapter 1227. An act for the benefit of G. S. Jones, of Marshall county-----	634
Chapter 1228. An act for the benefit of John G. Cole, of Madison county-----	635
Chapter 1229. An act for the benefit of H. A. James, of Butler county-----	635
Chapter 1230. An act for the benefit of Wm. Rial, of Hancock county-----	635
Chapter 1231. An act for the benefit of P. H. Ryan, of Kenton county-----	636
Chapter 1232. An act for the benefit of A. S. Layne and Mahlen Leggett-----	636
Chapter 1233. An act for the benefit of J. F. Robinson, agent of Phoenix Hotel----	637
Chapter 1234. An act for the benefit of John Dishman-----	637
Chapter 1235. An act for the benefit of Wm. T. Mobley, of Carter county-----	637
Chapter 1236. An act to incorporate the Aurora Fire Insurance Company-----	638

LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE
GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE SECOND
DAY OF DECEMBER, 1867.

J. W. STEVENSON, *Governor.*

WM. JOHNSON, *Lieut. Governor and Speaker of the Senate.*

JOHN T. BUNCH, *Speaker of the House of Reps.*

S. B. CHURCHILL, *Secretary of State.*

JOHN RODMAN, *Attorney General.*

CHAPTER 557.

AN ACT to amend an act, entitled "An act to incorporate the Evansville, Henderson, and Nashville Railroad Company," approved January 29th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the franchises and rights of the old Henderson and Nashville railroad company, purchased by the Evansville, Henderson, and Nashville railroad company, are hereby granted to the Evansville, Henderson, and Nashville railroad company.

§ 2. The capital stock of the Evansville, Henderson, and Nashville railroad company may be increased by the company to an amount not to exceed four millions dollars.

§ 3. It shall be lawful for the Evansville, Henderson, and Nashville railroad company to receive subscriptions to their capital stock from any land, coal, or mining company, or other corporations or individuals, payable in lands or stock, and receive conveyances of title or transfer of same, on such terms as the parties may agree upon. And

1868.

1868.

the said Evansville, Henderson, and Nashville railroad company may sell and convey any lands not needed by the company for the direct use of the railroad for depots, stations, machine-shops, coal-yards, and other railroad purposes.

§ 4. That the said Evansville, Henderson, and Nashville railroad company may change, modify, and set aside any agreements for subscriptions by counties, cities, and towns, to the capital stock of the company, and cancel the same, on such terms and conditions as the said company may agree upon with the county courts, city councils, and board of trustees, who have or may hereafter subscribe to the capital stock of said company, and may make such new agreements as the parties may thereto agree upon; but no subscriptions shall be changed, modified, or annulled without the consent of the parties thereto.

§ 5. This act shall not take effect as part of the charter of the Evansville, Henderson, and Nashville railroad company until approved and accepted by the board of directors of the said company.

§ 6. This act shall take effect from and be in force from its passage.

JOHN T. BUNCH,
Speaker of the House of Representatives.
WM. JOHNSON,
Speaker of the Senate.

Approved February 26, 1868.

J. W. STEVENSON,

Governor of Kentucky.

By the Governor:

S. B. CHURCHILL, *Secretary of State.*

CHAPTER 558.

AN ACT to amend the Charter of the Lexington and Richmond Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act amended.

Name of road changed.

§ 1. That the act, entitled "An act to incorporate the Richmond and Lexington Railroad Company," approved March 2d, 1867, is hereby amended as follows: The name of the said Richmond and Lexington railroad company is hereby changed to that of the "Kentucky and East Tennessee Railroad Company;" and all the provisions of the act to which this act is an amendment, except as repealed or modified by this act, shall apply and remain in full force as regards the Kentucky and East Tennessee railroad company.

§ 2. The said Kentucky and East Tennessee railroad company are hereby authorized to build a railroad from Lexington, through Madison county, to any point on the Lebanon and Knoxville Branch of the Louisville and Nashville railroad, south of Mount Vernon, in Rockcastle county, or to any point on the Tennessee State line they may select.

1868.

Route of road.

§ 3. The said railroad company are further authorized to build branch roads, from any point or points on their line, to any other points, not exceeding fifty miles in length of any branch; and all the provisions of the act to which this is an amendment, as well as of this act, shall apply to such branch roads as fully as to the main road.

May build branch roads.

§ 4. The stockholders of said railroad company shall, at their next annual meeting, elect ten directors to serve until the next ensuing annual meeting, any four of whom, with the president, shall constitute a quorum.

Ten directors to be elected.

§ 5. The said railroad company are hereby authorized to receive any donations or subscriptions to the capital stock of said railroad company, any lands or real estate, to aid in the construction of said railroad or its branches.

Receive donations.

§ 6. Upon the application of the president and directors of said Kentucky and East Tennessee railroad company to the presiding judge of any county, or to the mayor of any city, or to the trustees of any town, through or near which it is proposed to build the said railroad, for a public subscription to aid in building said road, stating clearly the amount asked for, with the number and amount of each installment, and the interval of time between each, in accordance with the proviso annexed to this section, it shall be the duty of such presiding judge, mayor, or trustees, to order and cause to be held, at any general election, an election within the corporation of which they respectively have jurisdiction, according to the provisions of section 16 of the act to which this is an amendment, to ascertain the sense of the qualified voters of such corporation as to the policy of making such subscription; and if it shall appear from such election that a majority of the votes cast at such election are in favor of such subscription—provided that such majority shall constitute a majority of the legal voters of such county, city, or town, estimating the number of such legal voters at the highest number of votes cast at any general election in such county, city, or town, for or since the year 1860—then it shall be the duty of the presiding judge of such county, or the mayor of such city, or the trustees of such town, to levy and cause to be collected a tax on all the real and personal property within the limits of such corporation subject to the payment of revenue tax, sufficient to pay the amount of said public subscription according to the terms thereof,

Counties, &c., may take stock, how tax levied and collected. &c.

1868.

the tax to be collected by the officer or officers whose duty it may be to collect the taxes of such corporation, the said officers first giving bond, with security, in a sum equal to the largest amount which may be in his hands at one time, for the faithful performance of his duties, and paying over as herein provided the moneys so collected, and subject to all the conditions and penalties imposed on him by law; and in case of failure to give such bond, or refusal, neglect, or incapacity to perform the duties hereby required of him, or unfaithfulness in the performance of the same, the county court of such county, or the mayor and council of such city, or the trustees of such town, shall appoint some other person or persons to collect such taxes, who shall give bonds as required of the officer above referred to, and be subject to the same conditions and penalties. And the said officer, or duly authorized collector of said taxes, shall have all the power to enforce the payment of the taxes so ordered to be collected as are conferred on the sheriff in collecting the revenue taxes; and any person who refuses to pay his taxes when due shall be subject to the same penalties which may be inflicted on delinquents who refuse or neglect to pay the revenue tax. It shall be the duty of said tax collector to pay over to the president and directors, or to their duly authorized agent or agents, the moneys so collected from time to time, as may be required by the order of the presiding judge, mayor, or trustees of the corporation from which he holds his appointment. It shall be the duty of the county court, mayor and council, or trustees of the corporation voting and paying such tax, to pay to the collector thereof a sum not exceeding five per cent. of the amount collected by him as compensation for his services: *Provided*, That not more than one fourth of the amount of such railroad subscription voted shall be collected in any six months, the first installment being due within sixty days from the date of the call of the president of said railroad company for said first installment.

Tax collector
to receipt to
tax-payers:

§ 7. It shall be the duty of the tax collector to give to each tax-payer a receipt, specifying the amount paid by him on account of such railroad subscription, which receipt shall be transferable, and entitle the holder thereof, when presented to the president and directors, or their authorized agent, in sums amounting to one hundred dollars, to a certificate of stock in said railroad company to an equal amount; and when presented in sums less than one hundred dollars, by tendering a sum of money sufficient, when added to such receipt or receipts, to make up one hundred dollars, to a like certificate of stock.

§ 8. The capital stock and other property of said railroad company shall be exempt from taxation for any pur-

pose, until sixty-five miles of the road are opened for business, or it is finished and opened for business to the point of junction with the said Lebanon and Knoxville Branch road; and all moneys and other property subscribed and paid over to, or conveyed to said company, to aid in the construction of any of its branches, shall likewise be exempt from taxation until said branch shall be opened for business: *Provided*, That if the work on the main line, or either of its branches, shall be suspended before reaching the points at which they become taxable under this section, and remain so three years, then such parts of said road and its branches, with all the moneys paid over, or property conveyed to said railroad company, as may be completed and opened to business, shall be liable for taxes as if the whole were completed.

1868.

Capital stock and other property of road exempt from taxation, &c.

§ 9. All the provisions of the act to which this is an amendment, which may be inconsistent herewith, or in conflict with any of the provisions of this act, are hereby repealed.

§ 10. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 559.

AN ACT to incorporate the Ashland Retort, Fire-brick, and Tile Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. Lawrence Smith, James S. Barret, Robert Atwood, Stephen D. Chipley, and their associates and successors, are hereby created a body politic and corporate, under the name and style of the Ashland Manufacturing Company; and by that name shall have perpetual succession; may contract and be contracted with; have a common seal; and may make all necessary by-laws and regulations for the government of said company and the conduct of its business, not inconsistent with the Constitution and laws of this Commonwealth.

§ 2. The capital stock of said company shall not be less than one hundred thousand dollars, and it may be increased, from time to time, as the board of directors may determine, to the sum of five hundred thousand dollars, divided into shares of one hundred dollars each, which may be subscribed for, paid, and transferred, as said company in its by-laws may direct.

§ 3. The corporators named in the first section of this act, or any two of them, are hereby appointed commissioners to receive subscriptions for stock in said company; and they may open books in the city of Louisville, and at such other point in or out of the State, and keep the same

1868. open for such length of time as they may deem expedient.

§ 4. Said company is hereby authorized to lease, purchase, and hold all such real and personal estate as they may deem necessary and proper for the purposes of carrying on the business of the corporation, and the same to sell, lease, mortgage, or otherwise dispose of, at pleasure; and the stock of said company shall be held as personal estate and pass as such.

§ 5. It shall be lawful, and said corporation is hereby authorized, to mine or bore for coal, iron, salt, fire-clay, and any other minerals that may be found on lands owned by said company; said company is also empowered to establish works for the purpose of carrying on a general manufacture of clay retorts, fire-brick, tile, or other articles, and for the sale of such manufactured articles as well as the mineral and vegetable products of their lands.

§ 6. The affairs and business of said corporation shall be managed by a board of five directors, to be chosen by the stockholders; each one of said directors shall own, in his own right, not less than one thousand dollars of the capital stock of said company; and the said board shall elect a president, secretary, and treasurer, from their own number or from the stockholders, for the term of one year or until others are elected: *Provided*, That at least two of the above named officers shall be residents of the city of Louisville.

§ 7. The corporators shall begin operations in said manufacture and mining as soon as there is fifteen thousand dollars, proceeding from the sales of stock, in the treasury of the company; and, for such purpose, shall at once proceed to elect a board of directors.

§ 8. This act shall take effect and be in force from and after its passage.

Approved February 26, 1868.

CHAPTER 560.

AN ACT to amend the Charter of the Kentucky Lead Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said company shall have power, the owners of a majority of the capital stock voting therefor, to assess the stock of the company an amount not to exceed ten per cent. at each assessment, for the purpose of raising necessary funds to pay the debts of the company and carry on mining operations.

§ 2. That the board of directors shall have the power, having given to stockholders thirty days' notice of such

assessment, and the same remaining unpaid, to forfeit the stock of each delinquent stockholder thus assessed to the said company; which stock shall be canceled on the books of the company for such non-payment of assessment.

1868.

§ 3. This act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 561.

AN ACT to incorporate the Home Industrial Works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and hereby is, established in the county of Warren, a corporation, by the name of the Home Industrial Works, with a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter prescribed; and said corporation, by the name and style aforesaid, shall have power and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and defend, in all courts and places, and in all matters whatsoever, as natural persons may do; and shall have full power to acquire, hold, possess, use, enjoy, and the same to sell, convey, and dispose of, all such real estate or personal or mixed estate, goods, chattels, and effects, which may be necessary or convenient for the transaction of the business of said corporation, or which may be acquired as security for or in payment of a debt or demand; and may have and use a common seal, and alter, change, or renew the same at pleasure; and may make and establish all necessary by-laws for the management and conducting of its affairs and business.

§ 2. The business of said corporation shall be the manufacture of agricultural implements, and all other articles, composed in whole or in part of wood or metals or other materials, or both wood and metals and other materials, and to buy and sell, in and out of this State, stock, material, and other things deemed necessary to the successful carrying on of said business.

§ 3. That George T. Wood, of Hart county, J. S. Barlow, of Barren, L. J. Proctor, of Edmonson, J. V. Sproule, of Butler, D. B. Hutchings, E. R. Gordon, of Logan, S. K. Bland, R. D. Salmons, of Simpson, George Anthony, J. J. Gatewood, of Allen, P. J. Potter, P. D. Hampton, J. J. Smith, J. L. Row, Eli Howell, A. Graham, Wood Duncan, N. H. Lucas, and T. C. Calvert, of Warren county, be,

1868.

and they are hereby, appointed commissioners, whose duty it shall be to open books for the subscription of stock in said corporation, at such times and places as they, or any three of them, may deem expedient, not less than five days' notice thereof having been first given by publication in one or more newspapers in this State south of Green river; and when not less than twenty-five thousand dollars of said capital stock shall have been subscribed for in good faith, then said commissioners, or any three of them, may, after having first given five days' notice, by publication in one or more newspapers in this State south of Green river, call a meeting of the stockholders for the election of seven directors, who, when elected, shall complete the organization of the corporation by electing one of their number president, and also by electing such other officers as they may deem necessary for the efficient carrying on of the business of the corporation; and after such organization, said board of directors shall have control and management of the affairs and business of said corporation; and may continue to receive subscriptions to the stock until the whole is subscribed.

§ 4. After the first election, the stockholders shall annually, on the first Wednesday of March, elect from their number seven directors, who shall hold their office until their successors are duly elected; and each board of directors shall elect one of their number president of the board, and shall also elect such other officers as shall be provided for by resolution or by-law; and said board may adopt such by-laws as they may deem necessary for the management of the business of this corporation.

§ 5. At all stockholders' meetings, each stockholder shall be entitled to cast one vote for every share of stock owned by him or her; and votes may be cast by proxy upon written authority of the stockholder; but no stockholder shall vote at the first election, unless he or she shall have paid to the commissioners holding the first election for directors one dollar upon each share of stock by him or her subscribed; nor at any election thereafter, unless all the calls due upon his or her subscription of stock shall have been paid: the one dollar aforesaid to be applied as a payment on said stock, and handed over by said commissioners upon the order of the first board elected.

§ 6. The board of directors shall have power to fill all vacancies in any office occurring between the times fixed for regular elections.

§ 7. The stock of said corporation shall be deemed personal estate.

§ 8. In the event of a failure on the part of any stockholder to pay up his stock, the share or shares of said stockholder may be forfeited, by a resolution of the presi-

dent and directors, or they may, if they so elect, sue for and recover the balance due and unpaid on said shares of stock.

1868.

§ 9. At any annual meeting of the stockholders, a majority of the stockholders in interest may increase the capital stock of said corporation to such amount as may be deemed necessary, but not to exceed (\$200,000) two hundred thousand dollars, and may cause books to be opened for subscription to the same.

§ 10. The stockholders, after they have paid up their stock subscriptions, shall not be individually liable for any debt, obligation, or contract, or other liability contracted by, entered into, or incurred in any way, by said corporation.

§ 11. The president and directors shall have power to borrow money at their discretion, and to secure same by a mortgage or mortgages upon the property of the corporation; but the indebtedness of said corporation shall not at any time exceed the amount of capital stock paid in.

§ 12. Said president and directors shall have power to declare and make such dividend or dividends as they may deem proper of the net profits arising from the income of said corporation, after deducting all expenses, dividing the same among the stockholders in proportion to their respective shares; but no dividend shall be declared until there shall have first been set aside a contingent fund equal in amount to ten per cent. upon the capital stock paid in.

§ 13. This act shall take effect from its passage.

Approved February 26, 1868.

CHAPTER 562.

AN ACT to amend the Charter of the Bowling Green Water-works Company.

WHEREAS, By "An act to incorporate the Bowling Green Water-works Company," approved February 7th, 1866, the town of Bowling Green, through its chairman and board of trustees, was authorized to subscribe for stock in said corporation, and if it deemed best and proper, should have the power and privilege of subscribing the whole amount of stock necessary for the building and putting in successful operation the water-works contemplated in said act; and whereas, it was further provided that said chairman and board of trustees should not subscribe said stock, &c., until they should first submit an ordinance for such subscription to the qualified voters of said town, and a majority of the voters in said town should approve the same; and whereas, it was provided further in said act, that if said town did not hold said election, and assume

1868.

and undertake to build and operate said water-works, as in said act provided for, within one year from the passage of said act, then the corporators named in the seventh section of said act might proceed to open books, receive subscriptions of stock, organize said company, and build and carry on said works as prescribed in said act; and whereas, it was further provided, that if a majority of the voters of said town should vote in favor of said subscription, and of the town assuming and undertaking said water-works as therein prescribed, then the town should proceed to execute the purposes of said act, &c.; and whereas, the chairman and board of trustees of said town did, on the — day of —, 1867, submit an ordinance for the subscription of the whole stock necessary to build and operate said water-works, to the qualified voters of said town, and at an election held in said town on said day aforesaid, for said purpose, having given more than ten days' notice thereof as prescribed in said act, and a full majority of said voters did, at said election, vote for and approve the same; and whereas, there are doubts as to whether or not said submission and election were made and held within the time prescribed by said act, in order to give the town, under said act, the power and privilege of building and operating said water-works, instead of the corporators aforesaid, opening books, receiving subscriptions, organizing and building said water-works; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Bowling Green, through its chairman and board of trustees, shall have the same power and privilege to subscribe the whole stock necessary to build and operate the water-works contemplated in the act to which this is an amendment, in as full, complete, and binding a manner, as they might or could have done if the election provided for in the original act for the subscription of said stock had been held, and the subscription made within one year from the passage of said act to which this is an amendment; and they are hereby authorized and empowered to do any and all things necessary for the building and operating of said water-works, as in said original act provided.

§ 2. Said town shall have the power, as provided in said original act, of issuing and selling her bonds, and as an additional provision to what is contained in said original act, for the payment of the principal and interest of said bonds, the chairman and board of trustees shall, if necessary, assess and collect a tax upon the real and personal estate in said town, subject to taxation for ordinary town purposes, as well as a poll or head tax, in such manner

and amount as they may deem equitable and just; such assessment to have the force and be collected as town taxes. 1868.

§ 3. This act shall take effect from its passage.

Approved February 26, 1868.

CHAPTER 563.

AN ACT for the benefit of the Green and Taylor County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Green and Taylor County turnpike road company shall, in the year 1868, at the court-house in Campbellsville, on the first Monday in May, and annually thereafter on the same day, hold an election of the officers required by its charter to be annually elected, who shall hold their offices until the next annual election, and their successors are elected and qualified.

§ 2. The board of directors thus elected may prescribe by a by-law that the annual election of officers, except in the year 1868, may be held at Shilo Meeting-house or Greensburg, after twenty days' notice of the same by a public advertisement posted on the courthouse door at Campbellsville and Greensburg: *Provided*, That the said directors shall not change the day of election.

§ 3. That the official acts of the president, directors, and treasurer, since the regular election, so far as the same may have been in conformity to the powers conferred by the charter, are hereby legalized and made valid.

§ 4. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 564.

AN ACT to amend the Charter of the Jefferson and Brownsboro Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of liquidating the debts of the Jefferson and Brownsboro turnpike road company, the president and directors of said company are authorized to issue and sell the bonds of said company for any amount not exceeding thirty thousand dollars (\$30,000), in sums of not less than one hundred (\$100) and not exceeding one thousand dollars (\$1,000), and bearing interest, payable semi-annually, at such rates not exceeding ten per cent.

1868. per annum, and payable at such place in the State of Kentucky as the president and directors may determine, the rate of interest and the place of payment to be specified in the bonds. They shall be payable ten years from their date, and redeemable at the pleasure of the company after two years, and may be transferred by assignment; they shall be issued under the seal of the company, signed by the president and secretary, and to have privilege over any indebtedness incurred by said company after their issue: *Provided*, Said bonds shall not be a debt against the Beard's Station branch road, save and except as to the stock owned by the Jefferson and Brownsboro turnpike road company in said branch.

§ 2. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 505.

AN ACT to repeal Section 17, of Chapter 47, Article 4, of the Revised Statutes, as to a sale and conveyance made by Hon. James L. Johnson and his wife, Harriet Johnson.

WHEREAS, It appears that the courts have construed the will of Philip Triplit, to confer upon his daughter, Mrs. Harriet Johnson, a separate estate in certain lands, and before that construction was given she, in conjunction with her husband, had sold and conveyed a square in the city of Owensboro, on which a parsonage and seminary have been erected, and the means realized by the sale has been invested in the improvement of other of her lands, and she and her husband are anxious the title to said square shall not remain in doubt; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That as to said Jas. L. Johnson and his wife, Harriet, in the said sale and conveyance of said square lying on Daviess street, and known as that on which is erected the Methodist Parsonage and the Owensboro Male and Female Seminary, the seventeenth section of chapter forty-seven, article four, of the Revised Statutes, be, and the same is hereby, repealed.

§ 2. This act shall be in force from and after its passage.

Approved February 26, 1868.

CHAPTER 566.

1868.

AN ACT to incorporate the Trustees of Center Point Meeting-House, in Monroe County.

WHEREAS, Jerry Black, forty years ago, dedicated and set apart one acre of his lands near Center Point, in Monroe county, to the use and purposes of the Christian churches of each and every denomination, with the view that there might be located thereon a suitable church house for their use alternately, for all time to come; and a brick church house was erected upon said ground, and has been used in accordance with his wishes aforesaid ever since; and whereas, thirty years ago he died intestate, and in the division of his lands amongst his children they respected his said gift of said one acre of land, and refused to claim it, but treated it as having been set apart by their ancestor for the sacred purposes aforesaid, though no writing had been left by him showing the facts; now,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ben. F. Bedford, A. E. Kirkpatrick, Frank Walker, Robert H. Richardson, and William J. Gee, be, and they are hereby, made trustees, to hold, use, and control said house and land for the use and occupancy of all the Christian denominations of whatever name who may wish to worship there; and said trustees shall regulate and secure to each denomination desiring to hold worship there an equal division of time, without any partiality or preference of one over another.

§ 2. That said trustees be, and they are hereby, made a body politic and corporate, under the name of "The Trustees of the Center Point Meeting-house;" and by that name may sue and prosecute any action for the protection, possession, or preservation of said house and grounds, or other improvements that shall be placed thereon; and they may contract and be contracted with as trustees aforesaid, for any repairs or improvements upon said grounds. They may elect one of their number president of the board. They may use a common seal, and shall keep a record of their proceedings; and when a vacancy shall occur in the board, the vacancy may be filled by those remaining in office; and thus the corporation for the purposes aforesaid may continue perpetually.

§ 3. This act to take effect from its passage.

Approved February 26, 1868.

1868.

CHAPTER 567.

AN ACT to amend the Charter of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the city of Louisville be, and the same is hereby, so amended, that, on the first Saturday in April, 1868, and every two years thereafter, there shall be elected, by the qualified voters of the city of Louisville, a chief engineer of the fire department of said city, who shall hold his office for two years from the date of his election, or until his successor shall be elected and qualified.

§ 2. Any provision in the city charter or ordinances conferring any right or power in conflict with this act is hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 568.

AN ACT to amend the City Charter of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eight, article four, of the new city charter of Louisville, be, and the same is hereby, so amended, that the city attorney therein provided for shall be elected by the qualified voters of the county of Jefferson and city of Louisville on the first Monday in August, 1868, to enter upon the discharge of the duties of said office on the expiration of the term of the present city attorney, and to hold said office for two years from the date of election and until his successor be elected and qualified.

§ 2. Any provision of the city charter of Louisville requiring said attorney to be a resident of the city of Louisville, or otherwise in conflict with this act, is hereby repealed.

§ 3. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 569.

1868.

AN ACT to repeal an act approved February 27th, 1867, entitled "An act to attach a portion of Grant to Gallatin County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved 27th of February, 1867, attaching a certain portion of the territory of Grant county to the county of Gallatin, be, and the same is hereby, repealed, and the boundary line between said counties re-established as it was before said act was passed.

§ 2. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 570.

AN ACT for the benefit of Jas. J. Burch, of Barren County.

WHEREAS, The sheriff of Barren county has now in his hands the tax list for 1865, against James J. Burch, for collection, to-wit: Fifty-eight dollars and thirty cents, with directions from the Auditor to require the same paid, and one hundred and fifty per cent. added; and, in default thereof, to forfeit to the State the lands of said Burch.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, upon the payment to said sheriff of the said taxes, fifty-eight dollars and thirty cents, with interest from first January, 1866, the said one hundred and fifty per cent. shall be, and is hereby, released.

§ 2. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 571.

AN ACT for the benefit of Evan M. Garriott.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be directed to draw his warrant on the Treasurer in favor of E. M. Garriott for the sum of thirty-six dollars and twenty-five cents (\$36 25), he having furnished that amount for clothing and transportation of Sarah F. Drake, a deaf and dumb girl, from Trimble county to the Asylum at Danville.

§ 2. This act to take effect from and after its passage.

Approved February 26, 1868.

1868.

CHAPTER 572.

AN ACT for the benefit of Charles and John Morgan, of Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John and Charles Morgan, of Muhlenburg county, be, and they are, permitted and authorized to charge, as tolls, at their water grist-mill in said county, one sixth part of all the grain ground by them at said mill into meal or malt.

§ 2. This act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 573.

AN ACT to extend the limits of the Town of Mt. Carmel, in Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The limits of the town of Mt. Carmel, in Fleming county, as now defined by law, be, and the same are hereby, so extended as to include the following boundary, viz: Commencing at, but excluding, James S. O. Bannon's lot, on the Mt. Carmel turnpike road, and down the turnpike, including John B. Neal's lot; then east on said line, including Robert Taylor's lot; then south to the present corporation.

§ 2. This act to take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 574.

AN ACT to authorize the Trustees of Stephensonport to close and sell an alley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Stephensonport, in Breckinridge county, be, and they are hereby, authorized to close, sell, and convey an alley in said town, lying on the south side of Main street, and between said street and Sinking creek, and lying also between the property owned by Peter C. Brashear and Andrew Crawford. That, before such sale and conveyance is made, the owners of the real property adjoining said alley, or their legal representatives, shall give in writing their consent to the sale, and said writing shall be made part of the record of the sale and conveyance herein authorized.

§ 2. This shall take effect from and after its passage.

Approved February 26, 1868.

LAWS OF KENTUCKY.

17

CHAPTER 575.

1868.

AN ACT to incorporate the Town of Union Star.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. B. Helm, Ed. McGlothtan, D. S. Richardson, Andrew Bargo, H. P. Biddle, N. R. Wadlington, and Joseph Cashman, are hereby appointed trustees of the town of Union Star, in Breckinridge county, who shall continue in office until the first Saturday in April, 1868, and until their successors are duly elected and qualified; said trustees and their successors in office are hereby created a body-politic and corporate, and, under the name and style of the "Trustees of the town of Union Star," may sue and be sued, plead and be impleaded, in the courts of this Commonwealth; contract and be contracted with; and provide by their by-laws the mode and manner of holding elections for all officers herein created.

§ 2. An election for five trustees, which shall be the number after the first election, shall be held on the first Saturday in April, 1868, and on the first Saturday in April every year thereafter, who shall continue in office until their successors are duly elected and qualified; and when a vacancy may occur from any cause, the board of trustees shall have power to fill such vacancy, until the next annual election.

§ 3. Every free white male person of the age of twenty-one years, being an actual resident of said town, and legal voter, shall be entitled to vote for trustees, or any other officer created by this act.

§ 4. The trustees shall have power to make rules, and enact such by-laws for the government of said town, as they may deem necessary and proper, provided they are not contrary to the Constitution and laws of this State. Said trustees shall have power to inflict a fine of not exceeding five dollars for every breach of their by-laws, to be sued for and recovered in their name, before the police judge of said town, or where objections arise to said judge, then before any justice of the peace for Breckinridge county; said fines shall go into the treasury of said town, and be used for its improvement.

§ 5. The trustees shall have power to levy and collect a tax upon shows and exhibitions in said town, or within one quarter of a mile of the limits thereof, not exceeding ten dollars for every twenty-four hours such show or exhibition shall remain or be kept open in said town, or within the limits aforesaid.

§ 6. The board of trustees shall elect one of their board president, and may appoint such other officers as they deem expedient, and may require a bond from any of them,

1868. conditioned for a faithful performance of the duties of his office; they shall appoint a clerk, whose duty it shall be to keep a fair record of all the proceedings of the board, which shall be open for inspection of any citizen desirous of seeing the same; and the board may make a reasonable allowance to him for his services out of any funds which may come into their hands under the provisions of this act.

§ 7. They shall appoint a treasurer, who shall receive all moneys collected, and pay the same to the order of the board; he shall give bond and surety for the faithful performance of the duties required of him; a majority of the board shall constitute a quorum for the transaction of business.

§ 8. The board of trustees shall have power to levy and collect a tax of not exceeding one dollar per tithe, and twenty-five cents on the one hundred dollars' worth of taxable property in said town, to be appropriated to the improvement of the side-walks and streets of said town; they may appoint a collector and enforce its collection by suit before the police judge of said town.

§ 9. The qualified voters residing within the corporate limits of said town may, on the first Saturday in April, 1868, and every year thereafter, elect a police judge and town marshal, whose powers and jurisdiction within the corporate limits of said town shall be the same as that of justices of the peace and constables, and hold their offices for the same length of time that justices of the peace and constables, and receive the same fees that justices and constables do for similar services.

§ 10. The corporate limits of said town of Union Star shall extend and embrace all within one quarter of a mile in every direction from the centre of the streets between the store-houses of Andrew Bargo, George R. Bruner, D. S. Richardson, and Sophia Helm; and when the trustees shall prepare and present to the clerk of the Breckinridge county court a plan of said town, it shall be the duty of said clerk to record the same.

§ 11. It shall be the duty of the officers holding and conducting the election for police judge and marshal, as provided herein, to deliver the poll-books of said election to the clerk of the Breckinridge county court, who shall carefully file them in his office. The clerk shall, without delay, ascertain the state of the polls, and certify to the Governor the name of the person receiving the largest number of votes, whereupon the Governor shall issue a commission to the person elected.

§ 12. This act shall take effect from its passage.

Approved February 26, 1868.

CHAPTER 576.

1868.

AN ACT to amend an act to reduce into one all previous acts incorporating the town of Stamping Ground, in Scott County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be elected five trustees for the said town of Stamping Ground, who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace that they will faithfully and impartially discharge the duties of said office. That said trustees and their successors shall be a body politic and corporate, and shall be known as the Board of Trustees of the Town of Stamping Ground; and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all the courts of this Commonwealth; and the warrant for offenses against the by-laws of said town, which they have heretofore or may hereafter enact, shall be in the corporate name of the board of trustees of said town as plaintiff.

Trustees to be elected, who shall take oath.

Corporate powers.

§ 2. That there shall be elected for said town a police judge and town marshal, and that all persons living within the corporate limits of said town, or owners of real estate therein, subject to taxation, who have a right to vote for members of the General Assembly or other State officers, shall have a right to vote for trustees, police judge, and town marshal for said town; that said trustees and police judge shall be elected once in every four years, and the town marshal once in every two years from the time of the first election under this act. The election of trustees, police judge, and town marshal, shall be held at such place as may be designated by the board of trustees, on the first Monday of March, 1868, and vacancies in any of the said offices shall be filled by election, except in the office of trustee, ten days' notice having been given by the board of trustees, which notice shall be in writing, posted up in at least two of the most public places in said town. When a vacancy occurs in the office of trustee, the board shall have the power to fill by appointment until the next election.

Police judge and town marshal to be elected.

Term of office.

When election to be held.

§ 3. That before the police judge enters upon the discharge of the duties of his office, he shall be commissioned by the Governor, which commission shall be issued upon the trustees certifying to the Governor that he has been duly elected to fill said office; he shall also take an oath before some justice of the peace similar to the oath required by law to be taken by county judges. That said police judge shall have exclusive jurisdiction of all offenses committed against the by-laws of said town, and concurrent jurisdiction with justices of the peace within the

Judge to be commissioned.

To take oath.

Powers & duties of judge.

1868.

civil district in which said town is situate of all criminal as well as civil and penal cases; and he may exercise jurisdiction without the intervention of a jury for all violations of the by-laws of said town when the fine does not exceed ten dollars; and he may commit drunken and disorderly persons to jail for not more than twenty-four hours at any one time; and the jailer of Scott county shall receive and hold such persons so committed; he shall enter up judgments and issue executions and warrants in the same manner as justices of the peace. It shall be the duty of said police judge to keep a fair and just record of his proceedings, certified copies of which shall be evidence in all other courts; he shall have power to issue summons for witnesses, and process to compel their attendance, and fine persons for contempt a sum not exceeding five dollars; he shall have power to order a jury summoned in like cases with justices of the peace, and shall receive in all cases the same fees of justices of the peace, and shall in the same manner be responsible for making out and collecting fee bills.

His fees.

Trustees to have power over streets & alleys, make by-laws, &c.

May levy and collect taxes.

Suppress tippling houses, &c.

Further powers.

§ 4. The board of trustees of said town shall have power over all streets, alleys, and side-walks in said town; may direct the improvement of the same in such manner as they may deem most beneficial to the interest of said town. They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property and the citizens of said town, whites and negroes, not exceeding fifty cents upon each one hundred dollars' worth of property, and two dollars and fifty cents upon each tithe. They shall have power to tax auction sales, shows, and exhibitions for money, such sums as they may fix by their by-laws. They shall have power to suppress all tippling-houses, houses of ill-fame, and disorderly houses, and, in their by-laws, impose fines on the keepers of such houses, not exceeding twenty-five dollars, to be recovered before the police judge by warrant in their name. They shall have power to prohibit drunkenness, riots, routs, profane swearing, indecent exposure of person, breaches of the peace, and unlawful assemblies, and impose fines, in their by-laws, for said offenses, not exceeding thirty dollars, to be recovered before said police judge by warrant in the name of the trustees of said town. They shall appoint a clerk and treasurer, and such other officers as they may deem necessary, taking from them bonds, payable to the trustees of said town, conditioned for the faithful discharge of their respective duties; and suits may be instituted upon said bonds, in all courts having jurisdiction thereof, in the same manner that suits

and motions are instituted against sheriffs and other officers for failure of duty.

1868.

§ 5. That it shall be the duty of the trustees to appoint one of their number chairman of the board, and that no money shall be drawn from the treasurer except upon his order, in pursuance of allowances made by said board.

Chairman to be appointed.

§ 6. That it shall be the duty of the treasurer and clerk of said town to keep a record of the proceedings which properly belong to their said offices; and it shall be the duty of the treasurer to render an account to said trustees of all moneys received and paid out by him, whenever requested so to do by the board.

Treasurer & clerk to keep record.

§ 7. That whenever owners of real estate, situate in said town, shall fail or refuse to pay the taxes levied on the same in pursuance of this act, the board of trustees may cause such real estate to be sold for said taxes by the town marshal, the same being first advertised for a period of not less than thirty days, said advertisement to be posted in a conspicuous place in said town. The owners of said property shall have two years from the date of sale to redeem the same, by paying the purchaser the purchase money and interest on the same at the rate of twenty-five per cent. per annum; and in case the owner fails to redeem the same within the time prescribed by this act, it shall be the duty of the town marshal, or his successor in office, to convey the same by deed to the purchaser; and this deed shall vest in said purchaser all right or title the former owners may have had in and to said real estate.

Proceedings in case taxes are not paid.

§ 8. That, upon all judgments rendered by the police judge of said town, either party shall have the right to appeal, in the same manner that appeals are taken from justices of the peace in similar cases.

Right of appeal

§ 9. That the marshal of said town shall serve all processes and precepts to him directed from said police judge, or from the county judge or any justice of the peace for Scott county, or any process directed to him from the clerk's office of the Scott circuit court, and make due return thereof; assess all property within the corporate limits of said town; collect all taxes assessed in said town, and all executions and other demands which may be put in his hands for collection; and shall in all things be governed by the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands. The said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the revenue; and in all other cases, the same fees that are allowed by law to constables; and the said marshal shall have the same powers and rights given by law to constables throughout the county of Scott. Said marshal, before he

Powers and duties of marshal.

1868.

enters upon the discharge of his duties, shall execute, before the board of trustees of said town, a bond, payable to the Commonwealth of Kentucky, with good security, conditioned that he will faithfully and impartially discharge the duties of said office, and in proper time pay over to the treasurer of said town all taxes, fines, forfeitures, and moneys, belonging to said town, which may come into his hands. He will also take the oath of office, and execute a bond, similar to that required by law of constables, before the county court of Scott county; and his failure to discharge any of the duties required by him of this act, or by any existing law, shall be subject to the same proceedings as may by law be had against sheriffs and constables in similar cases.

Fines, &c., to
be paid into
town treasury.

§ 10. That all fines and forfeitures cognizable before the police judge of said town, for violation of the town ordinances or by-laws, be collected and paid over to the treasurer thereof for the use and benefit of said town.

Qualification
of trustees, &c.

§ 11. No one shall be qualified to hold the office of trustee, police judge, or marshal, who is not at the time a voter and resident of said town.

Police judge
may issue
capias.

§ 12. That the judge of the police court of Stamping Ground may issue a *capias pro fine* to enforce the payment of any fine imposed by said court for any violation of the town ordinances, by-laws, rules and regulations, for the government of the town; and the officer executing such *capias pro fine* shall be governed by the general laws in regard to such writ; and the jailer of Scott county shall receive from the marshal of said town persons arrested by him under any *capias pro fine*, and hold such prisoners in the same manner, and for the same time, as required by law in relation to confinement for fines.

Tax liquor
dealers.

§ 13. The trustees of said town shall have power to tax all retail liquor dealers, not exceeding the sum of twenty-five dollars for each year—said dealers having obtained license from the Scott county court—and to grant license to one saloon, to be governed by such restrictions as they may deem proper to impose, and to tax said saloon in a sum not exceeding fifty dollars for each year; said taxes to be for the use and benefit of said town.

Conflicting
acts repealed.

§ 14. That all acts or parts of acts coming within the purview of this act be, and the same are hereby, repealed.

§ 15. That this act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 577.

1868.

AN ACT to amend the charter and extend the boundaries of the Town of New Haven, in Nelson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, that it may and shall be lawful for the board of trustees of the town of New Haven, in Nelson county, to require of all venders by auction, at public outcry, of any goods, wares, or merchandise, to obtain a license to sell the same within the limits of said town; and said trustees shall have the power to regulate the price of such license at any sum not exceeding thirty dollars for every twenty-four hours such auctioneers shall sell or offer for sale any property at public outcry within the limits of said town; and upon his, her, or their failure to pay the same when demanded, it shall be lawful, and it is made the duty of the marshal of said town, to distrain any of the property thus offered or proposed to be offered for sale and sell the same at public sale, or so much thereof as may be necessary to pay the tax and cost of sale; and if the property sold by said marshal sells for more than enough to pay the tax and cost of sale, it shall be his duty to pay the residue to the owner of said property; and he shall pay the tax thus collected to the treasurer of said board of trustees: *Provided, however,* That nothing in this act shall be construed to require a license in the case of decedent's estate, or sales under any process of any court or judicial officer.

§ 2. That the limits of the town of New Haven be so changed as to include the lots sold by J. P. McKay, lying west of Ben. Thornbury's land, and south of North street; and to exclude from the limits of said town all the land and lots lying east of a straight line from the southeast corner of C. C. Blincoe's lot to the northeast corner of Charles Gipe's lot, purchased of John W. Gore.

§ 3. This act shall take effect and be in force from its passage.

Approved February 26, 1868.

CHAPTER 580.

AN ACT to create an additional Voting Place in the Upper Tygert District, in Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created an additional voting place in the Upper Tygert district, Carter county, to be held at the place known as the old Knapp farm.

§ 2. This act to take effect from its passage.

Approved February 26, 1868.

1868.

CHAPTER 581.

AN ACT for the benefit of John Peters, late Sheriff of Owsley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of John Peters, late sheriff of Owsley county, for the sum of (\$54 75) fifty-four dollars and seventy-five cents, this being the amount of revenue money taken from said Peters by a lawless band in March, 1863.

§ 2. This act shall be in force from its passage.

Approved February 26, 1868.

CHAPTER 582.

AN ACT for the benefit of William Herrin, Sheriff of Fulton County.

WHEREAS, It appears that William Herrin, the sheriff of Fulton county, conveyed from the city of Hickman to the city of Frankfort three prisoners, who had been sentenced by the Fulton circuit court to confinement in the Kentucky Penitentiary, and that he summoned two extra guards to assist him in so conveying said prisoners; and whereas, said Herrin, at another time, conveyed three other prisoners, so sentenced by said court to confinement in said penitentiary, and that he, said Herrin, summoned one extra guard to assist in the conveyance of the said named three prisoners; and whereas, it appears by the certificate of the Hon. E. I. Bullock, judge of the Fulton circuit court, that said Herrin was ordered by said court to employ said extra guards, and that the clerk, by mistake or oversight, failed to enter said orders on the order-books thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to pay to said Herrin, in the settlement of the revenue due from him for the year 1867, the sum of two hundred and twenty-nine dollars and fifty cents (\$229 50), the amount paid by him to said extra guards for their services.

§ 2. This act to take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 583.

1868.

AN ACT to establish an additional Voting Place in District No. 3, in Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting precinct is established in district No. 3, in Carter county, at the house where John Counts now lives.

§ 2. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 584.

AN ACT to incorporate the Library Association of Louisville.

WHEREAS, There has heretofore been formed in the city of Louisville an association called the "Library Association of Louisville," the objects of which are the obtaining and maintaining a public library and reading rooms, and procuring literary and scientific lectures; now, therefore, in order to encourage and promote the above declared objects of said association,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. Lawrence Smith, R. M. Cunningham, Geo. W. Caruth, C. G. Davison, J. Guthrie Coke, J. R. Buchanan, E. D. Cook, L. Bamberger, P. B. Scott, Samuel Russell, Boyd Winchester, H. V. Sanders, and Jo. Knowles, of the city of Louisville, and their associates and successors forever, are hereby declared and created a body corporate, by the name and style of the "Library Association of Louisville;" and by that name shall have perpetual succession, shall be capable in law to contract and be contracted with, sue and be sued, implead and be impleaded, within all courts of competent jurisdiction; may receive, acquire, and hold real and personal property and effects suitable to the carrying out of the objects of the association; may have a common seal, and alter the same at their pleasure; may make such constitution, regulations and by-laws, as may be requisite for its government, and for carrying out the objects of the association, not contrary to the laws of the land, and may alter the same at their pleasure.

§ 2. The articles of association and by-laws now in operation, and not inconsistent with this charter, shall govern the corporation hereby created, until regularly altered or repealed; and the present board of managers and officers of said association shall be the board and officers of the corporation hereby created, until their respective terms of office shall regularly expire or be vacated.

1868.

§ 3. The capital stock of said association shall be one hundred thousand dollars, to be divided into shares of ten dollars each, and the certificates of stock shall be issued in the name of the association, signed by the president and countersigned by the secretary.

§ 4. Said association may invest money in real estate, bonds, stock, and other securities, the rents, interest, and dividends from which to be applied to the purchasing of books, maps, charts, papers, apparatus, &c., and defraying the expenses of the association; and when any money belonging to said association shall be invested in real estate, bonds, stock, and other securities as aforesaid, the same shall not be sold or disposed of except for the purpose of erecting a suitable building for the association, or for reinvestment, unless the board of managers unanimously recommend, and four fifths of the stockholders entitled to vote, vote in favor of it.

§ 5. Each stockholder shall be taxed not exceeding five dollars per annum, to be paid on the first Monday in May of each year; and if the tax be not paid on said day, the stockholder in arrears shall be denied the use of the library and reading-rooms until paid.

§ 6. The affairs of the association shall be under the control and direction of a board of managers consisting of thirteen members, who shall be annually elected by the stockholders on the first Monday in May, to continue in office one year and until their successors shall be elected and qualified. Said board shall elect from their number a president, a vice-president, a recording secretary, a corresponding secretary, and a treasurer, whose terms of office shall expire with that of the board by whom they were elected; and said board shall have power to make such by-laws as they think proper, and shall fill all vacancies that may occur in their own body during the time for which they were elected.

§ 7. At every meeting of the stockholders, each stockholder shall be entitled to one vote for every share of stock held by him, and share-holders may vote by written proxy; but no stockholder shall be entitled to a vote at any meeting of the stockholders unless all his taxes and dues have been paid; and at all meetings for the election of a board of managers, a majority of the votes cast shall be necessary to elect.

§ 8. Said association may hold and possess real and personal property to the amount of fifty thousand dollars, free from State and city taxation.

§ 9. This charter to take effect from and after its passage, but may be annulled or repealed at any time the Legislature may deem necessary and proper to do so.

Approved February 26, 1868.

CHAPTER 585.

1868.

AN ACT to incorporate the Underwriters' Life Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. L. Danforth, W. B. Hamilton, William H. Slaughter, Robt. Atwood, J. C. McFerran, and V. P. Armstrong, and all others who may be hereafter associated with them, are hereby declared a body corporate and politic, under the name and style of the "Underwriters' Life Insurance Company of Louisville, Kentucky;" and by this name may sue and be sued, plead and be impleaded, in all courts of record and elsewhere; they may have and use a common seal, which they may alter, break, or renew at pleasure.

Corporators' names, and corporate powers.

§ 2. The office of the company shall be located in the city of Louisville, Kentucky.

Office of company.

§ 3. The business of the company shall be to make insurance upon lives of individuals, and every insurance appertaining thereto or connected therewith, and to grant, purchase, and dispose of, annuities.

Business of company.

§ 4. The corporate powers of the company shall be vested in, and exercised by, a board of directors, not exceeding fifteen, and by such other officers and agents as the board of directors may appoint and empower. A majority of the board of directors shall constitute a quorum for the transaction of business.

In whom corporate powers vested.

§ 5. The board of directors shall determine the rates of insurance and the amount to be taken on any one life, also the sums to be paid for annuities, and the extent to which annuities shall be granted. They may make and prescribe by-laws for the government of the company, its officers and agents, and generally perform such acts as shall be for the best interests of the company, none of which shall be inconsistent with the laws of this Commonwealth.

Rate of insurance.

Make by-laws.

§ 6. The persons named in the first section of this act shall be the first directors of the company, and shall hold their office until the first Tuesday of January, 1869, and until their successors are appointed. The directors named in this act shall have power to increase their number, not to exceed fifteen, and all vacancies may be filled by the remaining members of the board.

First directors.

§ 7. No person shall be eligible as director unless he holds ten (10) shares of the capital stock of the company.

Eligibility of directors.

§ 8. The first election of directors shall be held on the first Tuesday in January, 1869, and annually thereafter. Notice of election shall be given by the president or secretary for at least two weeks in some public newspaper

Elections—when held.

- 1868.** printed in the city of Louisville, Kentucky. Said election shall be held at the office of the company, at such hours as the board of directors may direct, and shall be by ballot, and a plurality shall elect. In case of failure to elect on the day specified, this corporation shall not be deemed dissolved, but an election may be held at any future day, due notice being given thereof.
- Inspectors of election.** § 9. The board of directors, previous to such election, shall appoint three inspectors of such election.
- How stock voted.** § 10. At every election of directors each stockholder shall be entitled to one vote, in person or by proxy, for each share of the capital stock of the company owned or held by him or her, in his or her own right and name, for not less than ten days preceding such election.
- Officers to be elected.** § 11. The board of directors shall, after the organization of the company, and at the first meeting of the board of directors after each annual election, elect a president, a vice president, a treasurer, and a secretary, who shall hold their office for one year and until their successors are elected; and in case of absence or inability of any of the officers above named, the board of directors may temporarily supply their places.
- Executive committee to be appointed—their powers & duties.** § 12. The board of directors shall appoint an executive committee, consisting of five persons, one of whom shall be the president, and three of whom shall be a quorum. It shall be the duty of this committee to act when the board of directors are not in session, their acts and contracts being binding on the company. They shall have power to appoint all general agents and other employees of the company; to make such contracts as may be deemed necessary for the transaction of the business of the company, which may not be specially provided for by the board of directors.
- Capital stock.** § 13. The capital stock of the company shall not be less than one hundred thousand dollars, nor more than one half a million dollars, as the directors may determine. Said stock shall be divided into shares of one hundred (\$100) dollars each, which shall be deemed personal property, transferable on the books of the company as its by-laws may determine.
- How business conducted.** § 14. The insurance business of the company shall be conducted on the principle of giving to the policy-holders no interest in the profits of the company, unless otherwise agreed by the company and the assured. All premiums for insurance and purchase of annuities shall be payable in cash.
- When policies may be cancelled.** § 15. In case any policy-holders or annuitants shall fail to pay any premium or sum due from them to the company, or violate any condition of the policy of insurance or contract made between the company and the assured, the

board of directors may cancel the policy, and all premiums paid thereon shall be forfeited to the company, unless expressly stipulated to the contrary in the policy.

1868.

§ 16. This company may purchase, for its own benefit, any policy of insurance or other obligation of the company growing out of its business.

May purchase policies of insurance, &c.

§ 17. The board of directors may declare semi-annual dividends to stockholders, not exceeding ten per cent., which dividends shall be made payable at the time and manner the board of directors may prescribe.

May declare dividends.

§ 18. The company, within one year from the first day of January, 1869, or sooner, if deemed desirable by the board of directors, and annually thereafter, shall cause to be made a general statement and a balance sheet exhibiting the amount of surplus of net profits of the company for such periods, as near as can be ascertained, after deducting losses and expenses, and a sufficient amount to reimburse all outstanding policies and meet the engagements of the company in annuities and otherwise. Immediately after making these statements, the net profits or surplus, as above provided, shall be proportionally accredited and divided to the stockholders, payable in cash at such times as the directors may prescribe.

Statement of business to be made.

§ 19. Any policy of insurance that may be issued by the company for the use, benefit, or advantage of the wife, widow, children, father, or mother of any person whose life may be insured by the company, shall not be held or made liable for any debts, contracts, or engagements of the person whose life is or may be so insured; and all such insurance, in the event of the decease of the person whose life may be so insured, shall be paid to the person or persons named in the policy as beneficiaries therein, or to their assignees or legal representatives, to be held by him, her, or them, free and discharged of and from all pre-existing debts, contracts, or engagements whatever of the person deceased.

Policies for benefit of wife, &c., not liable for debts of persons insured.

§ 20. The board of directors may, at any time after the organization of the company, appoint one or more commissioners to superintend the opening of the books for the subscription of the capital stock of the company, at such place or places as may be deemed necessary, by first giving at least three days' notice in some daily newspaper printed in the city of Louisville, Kentucky. Said books shall remain open until at least one hundred thousand dollars shall have been subscribed and paid in in cash. The balance of the subscription to the capital stock shall be paid at such times and in such manner as the directors may determine.

Commissioners to open books.

§ 21. This company may hold such real estate as may be necessary for the transaction of its business, not exceed-

May hold real estate.

1868. ing fifty thousand dollars in value, except such as may be taken as security or in payment for debts due the company, and may sell and convey the same at pleasure.
- May invest capital.** § 22. The capital stock of the company may be invested in bonds or mortgages on real estate, not exceeding two fifths of its cash value; also, in United States stocks or bonds, and in such other securities as may be deemed desirable by the directors.
- Liability of stockholders.** § 23. Stockholders shall not be personally liable for the debts of the company beyond the amount which may be due and unpaid upon the stock held by them respectively.
- Fiscal year.** § 24. The fiscal year shall commence on the first (1st) day of January, and terminate on the fifteenth (15th) day of December in each and every year.
- Not to do banking business.** § 25. Nothing in this act shall be so construed as authorizing the company to do a banking business or to issue certificates to circulate as money.
- Liable to taxation, &c.** § 26. This company shall be liable to such taxation, and required to perform such general duties, not inconsistent with the privileges hereby conferred, and for their violation be subject to the same penalties as other companies of a similar character.
- To comply with general laws in relation to life insurance.** § 27. Said company shall at all times comply with all general laws or statutes regulating life insurance companies which may be enacted by the General Assembly of this Commonwealth.
- § 28. This act shall take effect from its passage.

Approved February 26, 1868.

CHAPTER 587.

AN ACT to amend the charter of the Newport and Cincinnati Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- How stock voted.** § 1. That the fourth section of the act of this General Assembly, entitled "An act to incorporate the Newport and Cincinnati Bridge Company," be so amended, that in all elections by the stockholders of said company, each share of stock shall entitle the owner thereof to one vote; but after the first election of a president and directors, no person shall vote on any share on which any installment is due and unpaid; and that so much of said original fourth section as is inconsistent herewith be repealed.
- May contract with railroads for use of bridge** § 2. That said company shall have the right to contract, at any agreed sum or rate, with any railroad company chartered by the State of Kentucky, or chartered by or organized under the laws of any other State of the United States, for the use of said bridge by the engines and cars, or for the purposes of said railroad company.

§ 3. That said company shall have power to borrow money on the credit of the corporation not exceeding its authorized capital stock, at a rate of interest not exceeding seven per cent. per annum, and may execute coupon bonds or other evidences of indebtedness therefor, and, to secure the payment of the same, may pledge or mortgage all or any of the property, rights, income, profits, and franchises of the corporation; and the president and directors of said company are authorized to sell, negotiate, or pledge any bonds, notes, or other evidences of indebtedness issued in the name of the company, to raise money thereon for the use of the company, at such times, and in such places, either within or without this State, and for such prices, and at such rates of discount, as they may deem best; and the same or any portion thereof, may be made and issued, convertible into stock of the company on such conditions as the president and directors may prescribe; and upon the foreclosure of any mortgage made upon the bridge, land, and franchises of the company, and sale of the property mortgaged, such sale shall pass to the purchaser or purchasers the corporate franchises of such company as fully as the company held them at the time such mortgage was executed.

1868.

May borrow money, & mortgage property.

May sell bonds, &c.

§ 4. That it shall be lawful for such purchaser or purchasers, their associates and successors, to own and operate said bridge under said charter and this amendment thereto, by the name of the Newport and Cincinnati Bridge Company.

Purchasers under foreclosure of mortgage may operate bridge.

§ 5. That any railroad company incorporated by the Commonwealth of Kentucky may lawfully subscribe to the stock, or purchase the bonds or other evidences of indebtedness of said bridge company, or make any contract with said bridge company provided for in this act, when authorized by the stockholders at some general meeting.

Railroad companies may take stock.

§ 6. That it shall be lawful for said bridge company to become merged into a new corporation with any bridge company organized under the laws of the State of Ohio to build a bridge across the Ohio river, in the following manner: The presidents and directors of the several companies may enter into a joint agreement, under the corporate seal of each company, for the consolidation of said companies, and prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the number of the directors and other officers thereof, and their place of residence; the number of shares of the capital stock; the amount of each share; and the manner of converting the capital stock of each of said companies into that of the new corporation, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies.

May merge into new company, how and on what terms.

1868.

Agreement to
be submitted to
stockholders of
each company.

§ 7. Said agreement shall be submitted to the stockholders of each of said companies at a meeting thereof, called separately, for the purpose of taking the same into consideration; due notice of the time and place of holding such meeting, and the object thereof, shall be given by written or printed notices addressed to each of the persons in whose names the capital stock of said companies stand on the books thereof, and also by a like notice published in some newspaper printed or of general circulation in the city or town where such company has its principal office or place of business; and at the said meeting of stockholders, the agreement of the said presidents and directors shall be considered, and a vote, by ballot, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and the ballots shall be cast in person or by proxy; and if two thirds of all the votes of all the stockholders shall be for the adoption of the said agreement, then that fact shall be certified thereon by the secretary of each of said companies; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the Secretary of State, and shall be deemed and taken to be the agreement and act of consolidation of said companies; and a copy of said agreement and act of consolidation, duly certified by the Secretary of State, under the seal of the State of Kentucky, shall be evidence of the existence of said corporation.

When to be
deemed one
corporation.

§ 8. That upon the making and perfecting the agreement and act as provided in the preceding section, and filing the same, or a copy thereof, with the Secretary of State, the several corporations parties thereto shall be deemed and taken to be one corporation, possessing within this State all the rights, privileges, and franchises, and subject to all the restrictions, disabilities, and duties of said Newport and Cincinnati Bridge Company under said charter and this amendment thereof.

Time & place
of elections to
be fixed.

§ 9. That it shall be the duty of the stockholders, at the meeting called to take into consideration said agreement, as hereinbefore provided for, after the adoption of the same, to appoint a time and place for the election of the directors and other officers of the new corporation, which may be provided for in said agreement; notice whereof shall be given by the secretary of each of said companies, in some newspaper printed or of general circulation at the place of the principal office of each of said companies, of the time and place of said election, at least three weeks previous thereto, which election shall be conducted in the manner that may be prescribed by said meeting of stockholders.

Privileges of
old company
conferred on
new.

§ 10. That upon the election of the first board of directors of said new corporation, all and singular the rights, privileges, and franchises of each of said corporations parties to

1868.

said agreement, and all the property, real, personal, and mixed, and debts due on account of subscriptions of stock, or other things in action, shall be deemed to be transferred and vested in such new corporation without further act or deed; and all property and other interests shall be as effectually the property of the new corporation as they were of the former corporations parties to said agreement; and the title to real estate, either by deed, gift, grant, or by condemnation under the laws of this State, shall not be deemed to revert or be impaired by reason of this act: *Provided*, That all rights of creditors and all liens upon the property of said corporations shall be preserved unimpaired, and the respective corporations may be deemed to be in existence to preserve the same; and all debts, liabilities, and duties of either of said companies shall thenceforth attach to such new corporation, and be enforced against it to the same extent as if said debts, liabilities, and duties had been contracted by it.

§ 11. That any stockholder who shall refuse to convert his stock into the stock of the consolidated company, shall be paid the highest market value of such stock at any time within six months next preceding the time of the making of such agreement for consolidation by the presidents and directors, if, previous to such consolidation, he shall so require; and if the stockholder so refusing to consolidate, and the president and directors of said Newport and Cincinnati Bridge Company, cannot agree as to the value of said stock, it shall be lawful for the parties to submit the question to arbitration by three disinterested persons, to be appointed by the judge of the circuit court of Campbell county, upon the motion of either of the parties; and if the person so refusing to convert his stock shall refuse to submit the question to arbitration, said judge shall, upon the application of any director of said company, appoint such arbitrators, who shall proceed to ascertain the value of the stock the same as if the question had been submitted by the consent of both parties; and if the party owning the stock shall refuse to receive the amount awarded, it shall be lawful for the company to deposit the same in the name of said owner in any chartered bank of this State, which deposit shall authorize said companies to proceed to consolidate without further payment to such stockholder.

Proceedings in case old stockholders refuse to convert their stock into consolidated company.

§ 12. That the eleventh section of the act, to which this is amendatory, except so much thereof as declares said act shall take effect from its passage, is hereby repealed.

11th section of original charter repealed.

§ 13. This act shall take effect and be in force from and after its passage.

Approved February 26, 1868.

1868.

CHAPTER 588.

AN ACT to incorporate the Kenton Savings Bank of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers. § 1. That Jesse R. Grant, H. F. Bowen, P. P. McVeigh, Joseph Horecamp, George Cox, and Harvey Myers, together with their associates, successors, and assigns, be, and are hereby, created a corporation and body politic, under the name and style of "The Kenton Savings Bank" of Covington, and shall continue until the first day of January, one thousand eight hundred and ninety-nine; and by that name may sue and be sued, contract and be contracted with, make, have, and use a common seal, and the same to break, alter, and renew at pleasure; may purchase, hold, use, sell, and convey all such real and personal property, including public and private securities of all kinds, necessary and requisite to carry out its legitimate purposes and objects of its creation.

Capital stock. § 2. The capital stock of said association shall not exceed one million of dollars, and shall be divided into shares of one hundred dollars each.

When to open books. § 3. The corporators named in this act, or any three of them, at such times and places as may suit their convenience, may open books for, and receive subscriptions to, the capital stock; and when one thousand shares or more have been subscribed, and five dollars on each share paid in, the stockholders shall meet and elect seven directors, each of whom shall be the owner of at least ten shares of the capital stock, and who shall serve till the second Monday of January, 1869, and until their successors shall be duly elected and qualified.

Annual elections—when & how held. § 4. The annual meeting of the stockholders for the election of directors shall be held at its banking house on the second Monday of January, under the direction of three stockholders, who shall have been appointed by the directors for that purpose; such election shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock represented. The same rule of voting shall apply to all questions submitted to the stockholders. Should an election for directors from any cause fail to be held on the day herein designated, the corporation shall not, from that cause, be dissolved; but any and all elections held subsequently thereto by competent authority shall be deemed valid and so held.

President & cashier, &c., to be elected. § 5. The board of directors shall annually elect one of their number president, and fix his salary; they shall also elect or appoint (and dismiss at pleasure) a cashier, and such clerks, officers, and agents or servants, as they may

1868.

deem necessary to conduct the affairs of the institution, fix their salaries, prescribe their duties, and, at their option, require and receive bonds, with security, for the faithful performance of their duties. The directors shall hold stated meetings at least once a week, and called meetings whenever deemed necessary, and shall keep a full and complete record of their proceedings; they shall have power to make and change all necessary by-laws, rules and regulations, for the government of the corporation, prescribe the terms on which deposits may be received and paid, and direct the manner in which the capital stock shall be paid in and transferred. In the temporary absence of the president, the board may elect a president *pro tem.*, who shall, during said absence, perform the duties of the president; vacancies in the board may be filled by the vote of those remaining in office; a majority of the board shall be a quorum to do business.

Directors to hold stated meetings.

May make by-laws.

President pro tem.

Quorum.

§ 6. The directors, at the annual meeting each year, shall submit to the stockholders an accurate statement of the condition and affairs of said institution. They may also make such dividends semi-annually as they may deem proper, out of the net earnings; but in no event shall the capital stock be diminished for that purpose; and before making any dividend, one tenth of the net earnings shall be carried to the surplus fund until it shall amount to ten per cent. of the capital stock paid in.

Annual statement of condition to be made

§ 7. There shall be paid in, at the time of subscribing to the capital stock, to said corporators, the sum of five dollars on each share subscribed for; and, after the election of directors, calls shall be made on each subscription, by the board of directors, for five dollars on each share every thirty days, until all is paid: *Provided*, That on stock subscribed for after the organization, the first payment may be required to be equivalent to the amount paid in on the stock subscribed for at the organization. If any subscriber to said capital stock shall fail or refuse to pay his or her or their calls for thirty days after the same is due, interest shall be charged on said calls from the time the same is due until paid; and if any calls shall remain unpaid for six months, the same, with the accruing interest thereon, may be recovered by suit in any court of record in this Commonwealth having jurisdiction thereof. Said institution shall have a lien on the stock owned by any stockholder for the payment of any debt due and owing, or any liability that may become due and owing to it by said stockholder, before any other creditor. No stockholder whose obligation is past due and owing shall be permitted to vote at any election held by the stockholders.

How stock voted.

§ 8. The business of this institution shall be to receive on deposit gold, silver, bank notes, and other currency, and loan out the same; to deal in gold and silver coin,

Business of corporation.

1882

bullion, bills of exchange, stocks, or other securities of this or any other State, or of the United States, or any other evidence of debt; to receive promissory notes by assignment as security for money loaned; discount, purchase, and sell promissory notes and bills of exchange, payable at said institution or any other place; and do all other acts a bank may do, except to issue notes to circulate as money. All bills of exchange and promissory notes made payable at said institution, or at any other banking institution or place, discounted by or sold to it, shall be placed on the footing of foreign bills of exchange, and remedy may be had, jointly and severally, against the principals and sureties, drawers, acceptors, and indorsers, or any one or more of them: *Provided*, That none of the parties to said bills or notes shall be held liable to damages as on a foreign bill of exchange.

May receive
deposits from
married women,
minors,
&c.

§ 9. The said corporation shall receive on deposit, during banking hours, any sum of money not less than one dollar; and minors and married women may make deposits, and control the same. Such deposits shall be paid to each depositor at such times, and with such interest, and under such regulations, as the board of directors shall, from time to time, prescribe; such regulations shall be put up in some public and conspicuous place in the room where the business of said institution shall be transacted, and shall not be altered so as to affect any one who may be a depositor previous to such alteration as to any sum of money on deposit at the time such alteration is made.

Cashier and
other officers to
give security.

§ 10. The cashier, clerks, and all other subordinate officers and agents of said institution, shall give such security for their fidelity and good conduct as the board of directors may, from time to time, require; and the said directors, and all the officers of said institution, before entering upon the duties of their respective offices, shall take an oath or solemn affirmation, before some officer authorized to administer oaths, faithfully, honestly, and impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation.

President, &c.,
not to become
indorser in said
bank.

§ 11. It shall not be lawful for the president or any director to become bound as surety, accommodation indorser, on any note or bill discounted by said institution.

To pay State
tax.

§ 12. It shall be the duty of the president, on the first day of January of each year, to pay into the Treasury fifty cents on each one hundred dollars stock held and paid for in said institution, which shall be in full of all tax or bonus, and be a part of the Sinking Fund of this Commonwealth.

§ 13. This act shall take effect from its passage.

Approved February 26, 1882.

CHAPTER 589.

1868.

AN ACT to incorporate the Louisville Cotton Mill Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby, established, in the city of Louisville, a corporation, by the name and style of the Louisville Cotton Mill Company, with a capital stock of five hundred thousand dollars, to be divided into shares of one hundred dollars each, and subscribed for and paid by individuals, companies, or corporations, in the manner hereinafter mentioned; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places, and in all matters whatsoever, as natural persons may do, with full power to acquire, hold, use, and enjoy, and the same to sell, convey, and dispose of, all such real estate, chattels, goods, and effects, as may be necessary or convenient for the transaction of its business, or which may be acquired as security for or in payment of a debt or demand; and may have and use a common seal, and alter, change, or renew the same at pleasure; and may make and establish all necessary by-laws for the efficient management of its affairs and conduct of its business.

§ 2. The business of said corporation shall be the manufacturing of cotton yarns and cotton cloths, in any and all the departments thereof in which it may choose to embark; and to buy and sell, in or out of this State, stock, material, and manufactured articles deemed necessary to the successful carrying on of said business.

§ 3. That R. A. Robinson, W. H. Dulany, W. George Anderson, W. E. Glover, George Ainslie, John T. Moore, James Bridgeford, Collis Ormsby, R. Burge, L. L. Warren, Jos. T. Tompkins, and William Garvin, be, and they are hereby, appointed commissioners, whose duty it shall be to open books for the subscription of stock in said corporation, at such time, and at such place in the city of Louisville, as they or any three of them may deem expedient; and when not less than one hundred thousand dollars of said capital stock shall have been subscribed for, then said commissioners, or any three of them, may, by publication of not less than five days in any daily newspaper of said city, call a meeting of the stockholders for the election of five directors, who, when elected, shall complete the organization of the corporation by electing one of their number president, also by electing such other officers as they may deem necessary for the efficient carrying on of said business. After such organization, the said board of directors shall have control of the business and affairs of the corpo-

1868. ration, and may keep the books open for the further subscription to stock until the whole is subscribed.

§ 4. That, after the first election, the stockholders shall annually, on the second Monday of January in each year, elect the same number of five directors, who shall hold their office for one year, and until their successors are duly elected; and each board, when elected, shall appoint one of their number president of the board, and such other officers as may be provided for by resolution or by-laws.

§ 5. At all stockholders' meetings, each stockholder shall be entitled to cast one vote for every share of stock held by him; and votes may be cast by proxy, upon written authority of the stockholder, signed by him.

§ 6. The stock in the corporation shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish, but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

§ 7. This act to take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 590.

AN ACT to incorporate the Falls City Cotton Mill Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be, and hereby is, established, in the city of Louisville, a corporation, by the name and style of the Falls City Cotton Mill Company, with a capital stock of five hundred thousand dollars, to be divided into shares of one hundred dollars each, and subscribed for and paid by individuals, companies, or corporations, in the manner hereinafter mentioned; and said corporation, by the name aforesaid, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places, and in all matters whatsoever as natural persons may do, with full power to acquire, hold, use, and enjoy, and the same to sell, convey, and dispose of, all such real estate, chattels, goods, and effects, as may be necessary or convenient for the transaction of its business, or which may be acquired as security for or in payment of a debt or demand; and may have and use a common seal, and alter, change, or renew the same at pleasure; and may make and establish all necessary by-laws for the efficient management of its affairs and conduct of its business.

§ 2. The business of said corporation shall be the manufacturing of cotton yarns and cotton cloths, in any and

1868.

all the departments thereof in which it may choose to embark; and to buy and sell, in or out of this State, stock, material, and manufactured articles deemed necessary to the successful carrying on of said business.

§ 3. That R. A. Robinson, Wm. B. Hamilton, J. S. Lithgow, John B. Smith, S. P. Weissiger, Thos. P. Jacob, Lewis Shirley, W. C. Hite, and W. B. Belknap, be, and they are hereby, appointed commissioners, whose duty it shall be to open books for the subscription of stock in said corporation, at such time, and at such place, in the city of Louisville, as they or any three of them may deem expedient; and when not less than one hundred thousand dollars of said capital stock shall have been subscribed for, then said commissioners, or any three of them may, by publication of not less than five days, in any daily newspaper of said city, call a meeting of the stockholders for the election of five directors (each share of stock being entitled to one vote), who, when elected, shall complete the organization of the corporation by electing one of their number president, also by electing such other officers as they may deem necessary for the efficient carrying on of said business. After such organization, the said board of directors shall have control of the business and affairs of the corporation, and may keep the books open for the further subscriptions to stock, until the whole is subscribed.

§ 4. That, after the first election, the stockholders shall annually, on the second Monday of January in each year, elect the same number of five directors, who shall hold their office for one year, and until their successors are duly elected; and each board, when elected, shall appoint one of their number president of the board, and such other officers as may be provided for by resolution or by-laws.

§ 5. At all stockholders' meetings, each stockholder shall be entitled to cast one vote for every share of stock held by him; and votes may be cast by proxy, upon written authority of the stockholder, signed by him.

§ 6. The stock in this corporation shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder.

§ 7. This act to take effect from and after its passage.

Approved February 26, 1868.

1868.

CHAPTER 591.

AN ACT to incorporate the Southern Ohio Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. M. C. Lovell, J. H. French, and B. Homans, jr., and their associates, successors, and assigns, he, and they are hereby, created a body politic and corporate, under the name and style of "The Southern Ohio Coal Company;" and under and by that name they and their associates and successors shall have succession, contract and be contracted with, sue and be sued, in all courts and places; shall have power to organize said company by the appointment of a president, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given by them; and, when thus organized, they and their successors may have a common seal, and alter the same at pleasure; and shall have power to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government, management, and prosecution of the business of said company, not inconsistent with the laws of this State or the United States.

§ 2. The principal office of said company shall be located in the city of Covington, but offices and agencies may be established at such other point or points as said company may deem necessary to the convenient and successful prosecution of the business of the company; and the company may appoint such agents as may be required by them, and may define the powers and prescribe the duties of such agents.

§ 3. The capital stock of said company shall be three hundred thousand (\$300,000) dollars, to be divided into shares of one hundred (\$100) dollars each, which may be subscribed and paid for in such manner as the by-laws of said company may prescribe; and said shares may be transferred in such manner as said company, by its by-laws, may direct.

§ 4. That said company may receive, buy, and hold or lease such real estate, within or without this State, not exceeding ten thousand (10,000) acres, and mining rights, either of coal or other minerals, rights of way, barges, engines, cars, depots, storehouses, stocks of merchandise, and other personal property and estate that may be deemed necessary by the company to the successful prosecution of their business, and to the execution of the powers herein granted.

§ 5. Said company may borrow money on such terms, and secure the same in such way, as may be prescribed by the by-laws, or as may be determined on by the stock-

holders; but no banking privileges are granted to the company.

1868.

§ 6. This act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 592.

AN ACT to incorporate Windsor Female Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the foundation to be designated and known as Windsor Female Institute, near the town of Lawrenceburg, in Anderson county, shall be a corporation; and by this denomination is vested with all the privileges, faculties, and powers, of every other foundation of learning in Kentucky. The only superior corporator is its founder, Joseph H. D. McKee; and the sole regency or superintendency of the corporation, except as hereinafter provided, is in him, and shall continue in his successor, nominated by his deed or testament, and thus on continually through every succession. He shall have power and authority to organize the several departments for the promotion of science, literature, and the liberal arts; also to establish professorships, tutorships, and lectures, and alter or abolish the same at pleasure, and adopt others, as the interest of the school may, from time to time, require.

§ 2. The said superintendent shall have power, with the advice and concurrence of a board of visitors hereinafter constituted, to appoint professors and tutors in the several departments, who, together with the superintendent, shall constitute a faculty, having the oversight, care, government, and instruction of the students; and the said faculty shall have power to make all needful rules and regulations for the government of said institute; and when said rules and regulations shall have been concurred in by said board of visitors, they shall have the same force and effect as if incorporated in this act: *Provided, however,* That said rules and regulations shall not be repugnant to the Constitution and laws of this State or of the United States.

§ 3. That William S. Hickman, John A. Witherspoon, William H. McBrayer, Monroe Walker, B. T. Boston, John Driffin, James A. McBrayer, William Bond, C. M. Lillard, James G. Hawkins, and John Witherspoon, and their successors, are hereby constituted a board of visitors for said institute, any five of whom may constitute a quorum to transact business, and their proceedings shall be kept with the records of the institution. It shall be the duty of said

1868. board of visitors to meet and organize, by the election of a president and secretary, at as early a day as may be practicable after the passage of this act, and annually at such time as they themselves may designate. They may also be called together at such other times as may be deemed necessary, due notice thereof being given by the superintendent, to give their advice and concurrence in the appointment of professors and tutors, and in the adoption of such rules and regulations as may be deemed necessary for the government of the institution, and the transaction of such other business as may be brought before them. It shall also be their duty, from time to time, to examine its course of study and method of instruction, as well as to attend the annual examination and commencement. They shall also have power, upon the recommendation of the faculty, to confer degrees and other literary honors, and grant diplomas, which shall be as valid as those conferred by any college or university of this State or elsewhere. Said board of visitors shall have and maintain a succession in the following manner, viz: In case of the death, resignation, or absence of any member for three stated meetings thereof, the board may have discretion to declare his place vacant, and, upon the nomination of the superintendent, shall elect a successor.

§ 4. It shall be the duty of said corporation to keep a book in which shall be registered the action of the superintendent organizing the several departments, professorships, and tutorships, and appointments to the same, the rules and regulations for the government of the institution, and the proceedings of the board of visitors. All acts of said board conferring degrees and granting diplomas, and all acts of the superintendent appointing his successor, shall be under the corporate seal of said institution.

§ 5. This act to take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 593.

AN ACT to raise Subscription to the Barren County Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Barren county may subscribe for stock in the Barren County railroad company, upon the following terms and conditions, upon the written application of the president and directors of the Barren County railroad company, and twenty house-keepers and tax-payers residing in election precinct No. 1, in said county, commonly known and called the Glasgow precinct, setting forth their desire that the said subscription

shall be made, and the number of shares to be subscribed, not exceeding one thousand in number, and requesting the question to be submitted to the qualified voters of said election precinct. 1868.

§ 2. It shall be the duty of the county court, the judge thereof alone presiding, to enter said written application at length upon the records of his court, and thereupon to make an order commanding the sheriff of the county, on a day to be named in said order, to open the polls at the place of voting in said precinct for State officers, and to take the vote of the qualified voters in said precinct upon the question, "Shall the county court subscribe for and on behalf of the tax-payers in said election precinct, the number of shares proposed in said written application?" It shall be the duty of the county court to appoint the judges and clerk of said election, as is now required by law in cases of elections for State officers; and it shall be the duty of the sheriff of the county, either in person or by deputy, as he may prefer, to superintend and hold said election as is required by law in cases of elections for State officers. On the failure of any officer appointed to hold and conduct said election to attend and perform the duties herein required, those who do attend shall appoint and qualify others in the place of those non-attending; at least thirty days' previous notice in writing, posted at the place of voting, and three other public places in said district, shall be given by the sheriff, of the time and place of holding said election.

§ 5. The poll-books shall be kept open as is now required by the constitution and laws of the State, and the book shall be certified by the officers of the election, and returned to the office of the clerk of the Barren county court, on the third day after the election.

§ 4. It shall be the duty of the county judge, county court clerk, and sheriff of said county, on the day of the return of said books to the office of the county court clerk, as is herein required, to count the vote for and against said subscription; and if a majority of all the votes cast shall be in favor of the subscription of the stock, they shall make out a written certificate to that effect, which shall be entered upon the records of said county court. In the absence of either of the foregoing officers, the duties enjoined in this section may be performed by the other two.

§ 5. It shall be the duty of the presiding judge of the Barren county court, in the event that a majority of all the votes cast at said election shall be in favor of said subscription of stock, either at the next regular term of the Barren county court, or at a called and special term, if the president and directors shall desire it, to subscribe for and on behalf of the voters and tax-payers in election precinct

1868.

No. 1, in Barren county, the number of shares of stock recited in the written application mentioned in the first section of this act, to the capital stock of the Barren County railroad company.

§ 6. It shall be the duty of the presiding judge of the Barren county court to issue bonds for the voters and taxpayers of said election precinct, payable to the president and directors of the Barren County railroad company in twenty years, bearing interest at the rate of seven per cent. per annum, and payable semi-annually, for the amount of said subscription, which said bonds are to be taken and received by the president and directors of said company in satisfaction of said subscription; they shall be signed by said judge, and countersigned by the clerk of the Barren county court; shall have coupons attached for the payment of the interest; shall be made payable at such place within the United States as the president and directors may designate, and may be negotiated by the president and directors by their written indorsement thereon.

§ 7. It shall be the duty of said Barren county court, through its presiding judge, from time to time, to provide for the payment of the interest on said bonds, by the imposition of an *ad valorem* tax upon all the real and personal estate (including the amount of each tax-payer's worth under the equalization law) within said election precinct, subject to taxation for revenue purposes; and for the purpose of ascertaining the property subject to taxation, recourse may be had to the assessor's tax book of Barren county; said tax shall be collected by the sheriff of Barren county, or other collector of the public revenue, as other public dues, under the same responsibilities as for collecting other public dues, and shall be paid over by him to the treasurer of said company, to be by him applied to the payment of the interest on said bonds.

§ 8. It shall be the duty of the collecting officer to give to the persons from whom he may collect said tax a receipt specifying the amount paid, and the time of payment.

§ 9. Whenever the amount of said receipt shall equal in the aggregate twenty-five dollars, and shall be presented to the president and directors of said company, it shall be their duty to issue to the holder thereof a certificate of stock equal to the amount of receipts surrendered; said receipts are, and shall be, assignable. The person receiving said certificate shall thenceforth be a stockholder in said company, and entitled to all the privileges of other stockholders.

§ 10. Said county court may at any time, if it deems it right, impose a tax upon the real and personal estate in said election precinct, not exceeding ten per cent. thereon in any one year, to create a sinking fund for the extin-

gnishment of the principal of said bonds and may make all annual orders, rules and regulations, for that purpose and to accomplish that object; the amount so paid shall, in like manner, be treated as stock, as provided in section nine hereof.

1868.

§ 11. The county judge, county court clerk, and treasurer of the said company, shall ex officio constitute a board of commissioners of the sinking fund, whose duty it shall be to manage the fund for the payment of the principal of said bonds.

§ 12. That all the proceedings hereby authorizing a subscription of said stock to the Barren County railroad company, and all the proceedings herein provided for the carrying into execution the same, may be had for the purpose of making the same subscription to the successors, alienees, or vendees of the Barren County railroad company, should the present company in any manner hereafter become dispossessed of the ownership of said road.

§ 13. That said subscription shall not be made, and shall not be binding on the tax-payers of said election precinct, until the presiding judge of the Barren county court is satisfied, from evidence adduced before him, that the sum of twenty-five thousand dollars has been otherwise subscribed to the capital stock of said company, or its successors, in good and solvent subscriptions.

§ 14. That the subscription of stock for and in behalf of the tax-payers of said election precinct, and all other subscriptions hereafter made to the capital stock of said company, or its successors, shall be sacredly set apart and appropriated to work on said road; and not a dollar thereof shall be used to pay off any indebtedness of said company.

§ 15. This act shall take effect from its passage.

Approved February 26, 1868.

CHAPTER 594.

AN ACT to incorporate the Phœnix Bank of Kentucky, at Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a savings bank is hereby established, at the city of Louisville, to be called the Phœnix Bank of Kentucky; and by that name shall have all the rights and privileges of a natural person in suing and being sued, answering and defending, in the courts of law and equity.

§ 2. That Robert Montgomery, Wm. Garvin, R. A. Robinson, William L. Murphy, J. A. McDowell, J. L. Smyser, Jno. M. Robinson, H. H. Wilks, Thos. J. Tapp, E. B. Owsley, W. L. P. Wiard, Warren Mitchell, Jas. Trabue, Saml.

1868.

Casseday, N. Gwynn, George N. Wicks, J. D. Allen, Ed. Wilder, R. Buge, and Alfred Harris, or any three or more of them, may, at such time and place as suits their convenience, open books for the subscription of stock, which shall be in shares of twenty-five dollars each; and when four thousand shares shall be subscribed, and one dollar per share paid thereon, the stockholders may meet and elect seven directors, who shall serve one year and until their successors shall be elected; the directors may annually elect a president of their number.

§ 3. The president and directors may adopt a seal and change it at pleasure; they may appoint all necessary agents and officers, fix their compensation, and take bond and security for the faithful performance of their duties; they may prescribe the manner of paying in the stock and the transfer thereof. They shall have a lien on the stock for the debts, before other creditors, except the State and for taxes.

§ 4. This corporation shall have the rights and privileges of the chartered savings institutions of the State. They may receive on special deposit gold and silver coin and bank notes, and issue certificates thereon, and allow such interest as may be agreed upon; and twice per year declare and pay to stockholders a dividend of profit.

§ 5. The president and directors shall annually appoint the time and place for holding the election of their successors, and any two or more of their number shall attend and conduct said election; they may, at any election, increase or decrease their number, not to exceed twelve and not less than five. The right to alter or repeal this charter is reserved to the General Assembly.

§ 6. It shall be the duty of the president, cashier, or other authorized officer, on or before the twentieth day of January in each year, to pay fifty cents on each one hundred dollars of stock subscribed and paid thereon into the Treasury of this Commonwealth, which shall be so much of the ordinary revenue of the State.

§ 7. This act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 505.

1868.

AN ACT to incorporate the German Savings Bank, of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Charles F. Fechler, Charles Giesbauer, H. W. Schleuther, Bernard Marshall, Henry Adams, Henry Drexelius, H. Hardebecke, H. H. Myers, John F. Fisk, John Kearny, James Spilman, and Vincent Shinkle, their associates, successors, and assigns, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "German's Savings Bank, of Covington, Kentucky;" and by that name and style shall have perpetual succession, with power to contract and be contracted with, sue and be sued, in that name, in all courts and places, and may make, have, and use a corporate seal, and the same break, alter, or renew at pleasure; may purchase; use, hold, sell, and convey, and take by gift, all such real and personal property necessary and requisite to carry out its legitimate purposes and the objects of its creation: *Provided*. That said corporation shall, within ten years from the accrual of the right of property, either legal or equitable, in any real estate which may be purchased in satisfaction of any debt or demand due to it, or under any judgment or decree of any court, sell, convey, and dispose of the same.

Corporators' names, and corporate powers.

§ 2. That the said persons named in the first section of this act, or any two or more of them, at such time or times and places as may suit their convenience, may open books for, and receive subscriptions to, the capital stock of said savings bank, which shall be one hundred thousand dollars, divided into shares of twenty-five dollars each; and when one thousand shares or more shall be subscribed, the said hereinbefore named corporators may meet and elect, out of the stockholders, nine directors—each director shall, in good faith, be the owner, in his own right, of at least four shares of stock at the time of his election—and also a cashier and clerk; and subscriptions to the capital stock may be received until the whole is subscribed. The directors so elected shall hold their offices until the first Monday in January next after their election, and until their successors are duly elected and qualified. None but stockholders shall vote for officers in said corporation; and on the first Monday in January of every year, after said first election, the stockholders, either in person or by proxy, shall elect nine directors, qualified as aforesaid, who shall continue in office for one year and until their successors are duly elected and qualified. The directors thus elected shall annually, by ballot, elect one of their number president of said bank, whose duty it shall be to preside at all meetings

Books for subscription of stock may be opened.

Capital stock and when directors & officers to be elected.

Term of office.

Annual election, when held

President—his duties.

1868.

President *pro*
tem.Vacancies—
how filled.Other officers
may be elected,
their compen-
sation, &c.May make by-
laws.To keep re-
cord, make con-
tracts, &c.How stock
voted.May purchase
stock held by a
debtor to bank.Declare divi-
dends.Take bond
from president,
&c.Stock deemed
personal estate.

of the board of directors, superintend all elections of subordinate officers by said board, and do all other things which said board of directors shall direct, not inconsistent with this charter; and a majority of all the directors so elected shall concur to make valid every act of said board.

In the temporary absence of the president, the board of directors shall elect one of their body as president *pro tempore*, who, during said absence, shall exercise all the powers and perform all the duties belonging to the office of president; vacancies in the board of directors may be filled by a vote of those remaining in office. Should the stockholders, from any cause, fail to elect directors on the first Monday of January of any year, the board of directors shall fix another day for any election, and give due notice of the time and place of the election of a board of directors to serve during the remainder of the same year.

§ 3. The board of directors shall also elect, from time to time, such other officers, attorneys, or agents, as they may think necessary for the use and benefit of said bank, and prescribe the compensation for their services, and those of the president, cashier, clerk, and other persons in the employment of the bank, and may dismiss them, or either of them, at discretion. They shall have power to make and change all necessary rules, regulations and by-laws, for the government of the corporation, its officers and servants, prescribe the terms on which deposits may be received and paid out, and direct in what manner shares in the capital stock may be transferred; they shall also keep a record of their proceedings, acts, and orders, and may by order, and without seal, make any contract they are hereby authorized to make, which shall be as fully binding on said corporation, and may be sued upon, as if it were made by a natural person, or may authorize any one so to do. Stock held for a less time than three months before an annual election shall not be voted for by the owner thereof; at every such election each stockholder shall have as many votes as he owns shares of stock which he has held the required length of time. The board of directors shall have power to purchase in any stock held by a debtor of the bank in payment of a debt; but they shall, as soon as they reasonably can, re-sell the same; to declare dividends of the profits arising out of the business of the bank; to take from the president, cashier, and other employees, such bonds as they may deem proper and reasonable, to secure a faithful performance of their respective duties. The stock shall be deemed personal property, and shall be transferable only, on the books of the bank, by the stockholder or his attorney, under such rules and regulations as the directors shall, from time to time, establish; but the corporation shall have a lien on the stock to se-

cure any indebtedness to the bank by the stockholder. The payment for the shares subscribed for shall be as follows, viz: two dollars on each share at the time of subscribing, or at the time of the first organization, and three dollars on each share within twenty days after such first organization, and the remainder in such amounts and at such times as the directors may require: *Provided*, That no one call shall be for a larger amount than five dollars per share, nor at a shorter notice than twenty days; and furthermore, that nothing contained herein shall be construed so as to prevent any stockholder from making payments on his stock in advance of the calls made by the directors. Said corporation may commence business so soon as twenty thousand dollars shall have been paid in as capital.

1868.

Payment on
stock.

§ 4. The president, directors, and other officers of this bank, previous to entering upon the discharge of their duties, shall take an oath, before some justice of the peace of this State, faithfully, honestly, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation, and that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated.

President,
directors,
&c.,
to take oath.

§ 5. The business of said corporation shall be to receive money or other valuables on deposit, and to loan out the same; to deal in gold and silver coin or bullion and bills of exchange, receive promissory notes and bills of exchange, payable at said bank, or at any other place, except it shall not issue any bill, bond, certificate of deposit, or other written or printed obligation or instrument, with the design to circulate the same as money; and may receive on deposit, during banking hours, gold and silver coin, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such time and manner, and with such rate of interest, as may be agreed on with the depositors by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, and other evidences of debt; take personal and other securities for the payment of the same; all promissory notes and inland bills of exchange, which may be discounted and owned by said bank, shall be, and [are] hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers. Any bill of exchange or promissory note made payable to said bank, or at any other banking institution or place, discounted by or sold to

Business of
corporation.

1868.

said bank, shall be placed on the footing of foreign bills of exchange, and like remedy may be had, jointly and severally, against the principal and sureties, drawers, acceptors, and indorsers, or any one or more of them. Said corporation shall receive on deposit, during banking hours, any sum of money not less than ten cents; and any person authorized to contract, corporations and bodies-politic, may make deposits therein, and control the same.

Interest
may be charged
for non-pay-
ment of calls on
stock, &c.

§ 6.. If any subscriber to said capital stock shall fail or refuse to pay up his or her or their calls for thirty days after the same is due, interest shall be charged on such calls from the time the same is due until paid; and if any call shall remain unpaid for the space of three months, the same, with the accruing interest thereon, may be recovered by suit in any court of record in the Commonwealth having jurisdiction thereof; said bank shall have a lien on the stock owned by any stockholder before any other creditor.

Damages for
refusal to pay
depositors.

§ 7. Should said bank fail or refuse to pay to any depositor the amount of his or her or their deposit, after it becomes due and payable, during banking hours, upon demand made, for the space of ten days after said demand, the said bank shall be liable to pay such person or persons damages, at the rate of ten per centum interest per annum, which may be recovered by action in any court of competent jurisdiction next ensuing after said failure as aforesaid.

May vest funds.

§ 8. The board of directors may, in their discretion, vest such portion of the funds deposited in said bank as may be desirable in any public stocks, or other securities of this or any other State, or of the United States, or of any city thereof, or of any corporation chartered by either of said States, or by any law of the United States, and receive and control the dividends and interest accruing thereon, as other funds of said bank, and sell and dispose of said stocks and securities, from time to time; and may make loans of money, secured by mortgage on unincumbered real estate worth at least double the amount loaned.

Rate of divi-
dend.

§ 9. No greater dividend than ten per centum per annum shall be paid to the stockholders, unless the surplus fund remaining on hand shall be equal to one tenth of the capital paid in.

No loan to
stockholder to
pay calls.

§ 10. No loan or discount shall be made to any stockholder to pay any call or balance due on his stock.

Liability of
stockholder.

§ 11. Every stockholder shall be individually liable to the creditors of the bank to the full amount of stock subscribed for and owned by him, until the said amount of stock subscribed shall have been paid up in full, at which time the individual liability shall cease.

Penalty for
misappropriation
of funds by
officers of bank.

§ 12. If the president, teller, cashier, clerks, or other officers or servants, in the employ of said bank, shall ap-

appropriate any of the funds or property of said corporation to his or their own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the bank, with intent to cheat or defraud the bank, or any person, or to conceal any improper appropriation of funds or property of the bank, the person or persons so offending shall be deemed guilty of felony, and, upon conviction thereof, in any court of competent jurisdiction, shall be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than two (2) nor more than twenty years.

1868.

§ 3. That the president and directors of this bank be, and they are hereby, authorized and empowered to wind up the affairs thereof, whenever a majority of the stockholders represented by stock shall determine that the wants of the community and the interest of the company do not require its continuance; and to effect this object, said president and directors shall have all the powers which may be necessary and proper to wind up and liquidate the affairs of said bank upon just and equitable principles.

Affairs of
bank may be
wound up.

§ 14. It shall be the duty of the president, on the first Monday in January in each year after the organization of the bank, to pay into the Treasury of the State, in lieu of all other taxes on the stock of said bank, fifty cents on each one hundred dollars of stock held and paid for in said bank, which shall form a part of the Sinking Fund of this Commonwealth.

To pay State
tax.

§ 15. This act shall take effect from its passage; and the General Assembly reserves the right to repeal or amend this act at pleasure.

Approved February 26, 1868.

CHAPTER 596.

AN ACT to incorporate the Maysville Trotting Park Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-politic and corporate be, and hereby is, created, under the name and style of the "Maysville Trotting Park Association," with a capital of not exceeding seventy-five thousand dollars, to be divided into shares of fifty dollars each; and by that name said corporation shall have perpetual succession; and may have a common seal; and may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to establish and keep and maintain a trotting park in or near the city of Maysville, Mason county, Kentucky,

1868.

for the training, trotting, and running of horses, and for the improvement of the breed and quality of such animals; and for these purposes, said corporation shall be authorized to lease or purchase, own and hold, in or near said city of Maysville, not exceeding seventy-five acres of land, and inclose the same with a sufficient fence, and have a suitable track on the said premises for the purposes of said association, as herein declared; and erect, or cause or permit to be erected, an amphitheater and other buildings, booths, and structures thereon; and also to acquire, own, and hold such personal property as may be deemed necessary to enable said corporation to carry out the objects of this act.

§ 3. Said company may have trotting and running matches and races on said grounds, and charge for admission to same; may sell pools, and do any and all other acts within the purview of this charter.

§ 4. And whereas, it is represented to the General Assembly that Thomas Jackson, of the city of Maysville, and it may be some other persons, have leased or rented from Francis T. Hord a tract of land near the city of Maysville, in said county, on which a trotting park has been established. The company hereby incorporated may, on such terms as may be agreed upon, acquire the title to said ground and the improvements thereon, by lease or purchase, and maintain and keep thereon a trotting park, as contemplated by this act, and exercise all the powers and enjoy all the rights and privileges in reference thereto authorized by this act; and said corporation may exchange or sell any land or personal property acquired under this act, and obtain, hold, and own other real and personal property for the uses and purposes herein provided for.

§ 5. Said corporation, and its fiscal and prudential affairs, shall be under the management and control of a board of seven directors, one of whom shall be president of said board, and chosen by the said directors. The said directors shall be elected by the stockholders on the first Saturday in April of each year; and in electing them, each share of stock shall entitle the holder to one vote, which may be cast in person or by proxy. They shall, before entering on the performance of their duties, be sworn faithfully to perform them, and shall serve until their successors are duly elected and qualified. No one but a stockholder shall be a director; and any vacancy during the year may be filled by the board of directors.

§ 6. Said president and directors may have and elect a treasurer and secretary, and such other subordinate officers of said corporation as they may deem necessary; prescribe their duties, fix their compensation, and require bond and good security for the faithful performance of

their duties; and said officers may be removed at the pleasure of the board of directors.

1868.

§ 7. Said president and directors shall have power, and they are hereby authorized, to make and establish such by-laws, rules and regulations, for the government of said trotting park, and the concerns of said corporation, as they may deem proper, not inconsistent with the constitution of the United States or of this State.

§ 8. Said board of directors shall be authorized to call on the Mason county court, and it shall be the duty of said court, when so called on, to appoint special police officers to attend on and near said trotting park when being used for the purposes contemplated by this act, who shall assist in the preservation of order, and maintain the public peace; and may arrest all criminals or riotous or disorderly persons on said grounds, and take them before the nearest justice of the peace for trial. Said police officers shall be paid by said corporation a reasonable compensation, or what may be agreed on, for their services. And said board of directors may employ persons to act under their supervision and control, and to assist in maintaining order and the public peace on said premises, who may remove any riotous or disorderly person from the same.

§ 9. William W. Baldwin, Thomas Jackson, Milton Culbertson, Thomas Daulton, Robert G. January, John Wilson, and David Hechinger, or any three of them, may, at any time within two years, open books for the subscription of stock in said company, and keep the same open, and receive subscriptions of stock until the entire capital stock, or so much as they may deem necessary for the purposes of said company, shall have been taken; and they may, upon such terms as they may deem proper, receive as stock in said company such share or shares or interest as any person may hold and own in the present trotting park occupying said ground leased of Francis T. Hord. And when as much as two thousand dollars of stock shall have been subscribed, said commissioners, or those acting, may, by notice in a newspaper in Maysville, call a meeting of the stockholders in two weeks to elect a board of directors as hereinbefore provided for; and upon such election being made, the said company shall be organized, and have the rights and powers herein conferred. Said president and directors shall have power to receive additional subscriptions of stock, and shall determine the time and manner of paying in the stock subscribed.

§ 10. Said corporation shall have power and be authorized, by order of its board of directors, to borrow money not exceeding five thousand dollars, to carry out the purposes of this act, and give bonds for the same, with per-

1868.

sonal security, or secure said bonds by a mortgage on the real and personal property of said corporation. Said bonds shall be signed by the president and countersigned by the secretary.

§ 11. This act shall take effect and be in force from its passage.

Approved February 26, 1868.

CHAPTER 597.

AN ACT to amend the Charter of the Lynn Land Female Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of Lynn Land Female Institute be changed, and that said institution be hereafter known and called Lynn Land Institute.

§ 2. That the sole power to manage and conduct the fiscal and educational affairs of said institute shall be vested in seven trustees, to be chosen annually on the first Tuesday of July, from among the stockholders, who shall hold their office for one year and until their successors are elected and qualified: *Provided, however,* That if, from any cause, an election shall not be held on the day fixed by this act, it may be held on some subsequent day to be fixed by the trustees, of which time at least ten days' notice shall be given. Each trustee, before he enters on the duties of his office, shall take an oath faithfully to perform his duties, and each board shall, at its first meeting, elect one of its number president and another secretary, and may fill vacancies occurring in either of these offices or in the board until the next regular election, and until a new board is elected and qualified; they may appoint a treasurer and such other officers as they may deem necessary, and may take adequate bond, with suitable stipulations and penalties, to secure the faithful keeping of the money and property of the institute.

§ 3. The president of the board of trustees shall preside at all meetings of the board when present, and, in his absence, the board shall elect one of its members president *pro tempore*. The secretary shall keep a true and faithful record of the action of the board at each meeting, which record shall be signed by the president and attested by the secretary.

§ 4. Elections for trustees shall be held at the institute, and shall be conducted under the supervision of two judges to be appointed by the board of trustees. Each stockholder may vote in person or by proxy, and shall be entitled to one vote for each share of stock owned by him, her, or it.

1868.

§ 5. The board of trustees shall cause stock to be issued, at the rate of one share for each one hundred dollars, to each person who has subscribed and paid one hundred dollars or more toward the capital stock of said institute; but no stock shall be issued for a less sum than one hundred dollars. The certificates of stock shall be signed by the president of the board of trustees, and countersigned by the secretary; and the secretary shall keep a book in which he shall enter the date and number of the certificate, and number of shares issued, and the name of the person to whom it was issued. Certificates of stock may be transferred on the books of the company, in such manner and subject to such regulations as the trustees may prescribe.

§ 6. That any or all the powers conferred by this act on the board of trustees may be exercised by the board now in office; and the trustees now in office shall hold their offices until a new board is elected and qualified.

§ 7. That the board of trustees may adopt such by-laws and regulations, not inconsistent with the constitution and laws of the United States or of this State, as they may deem expedient, and alter the same at pleasure; they may settle with the original corporators and other subscribers, and ascertain the amount of stock to which each is entitled; and if any person shall have advanced money or property to said institute beyond the amount of his subscription, the board of trustees may execute to such person or persons a mortgage for the amount so advanced by each, on any or all the real estate and personal property of said institute.

§ 8. That whenever the trustees of said institute shall deem it necessary to do so, they may, five trustees concurring, borrow not exceeding twenty thousand dollars in the name of said institute, and execute a mortgage or deed of trust to secure the same, on all the property and franchises of said institute; or, if they shall deem it expedient, they may issue and sell stock to raise not more than twenty thousand dollars; but no stock so issued shall be sold at less than its par value, unless such sale shall be assented to by all the stockholders.

§ 9. Whenever the net earnings of said institute shall exceed the expenditures in any one year, the stockholders may, at their annual meeting, by a vote of a majority of all the stock represented, direct a dividend of such net earnings to be declared, and the board of trustees shall thereafter declare, annually, when there are net earnings in excess of expenditures, such dividend as the excess will warrant: *Provided*, That if money has already been, or may hereafter be, borrowed in the name of the institute, the interest on so much as shall remain unpaid shall be treated and considered as part of the current expenses of

1868.

the institute: *And provided further*, That the board of trustees may set aside annually, out of the net earnings, not exceeding twenty-five per cent. of the debt due by the institute, and loan the same or buy in with it the debt of the institute, until the debt is paid, or a fund is created large enough to pay the debt.

§ 10. The board of trustees may elect professors and teachers, agree with them as to the amount and payment of salaries, and suspend or discharge any of them at pleasure.

§ 11. This act shall take effect only upon its being accepted by stockholders holding a majority of all the stock subscribed; and for the purpose of submitting this act to them for acceptance, a meeting shall be called by the present board of trustees, to be held at the institute on the first Tuesday of July next.

§ 12. So much of the original charter as is in conflict with the provisions of this act, is hereby repealed.

§ 13. This act shall take effect whenever it shall be accepted by stockholders owning a majority in value of all the stock subscribed and paid.

Approved February 26, 1868.

CHAPTER 600.

AN ACT for the benefit of Alfred Taylor Biggs, of Henderson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alfred Taylor Biggs, of Henderson county, be, and he is hereby, relieved from all disabilities as a minor, so that he may transact his own business in his own name, and be invested with all civil rights, privileges, and immunities, and be subject to all the responsibilities of a person twenty-one years of age.

§ 2. This act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 601.

AN ACT for the benefit of W. W. Morlan, late Sheriff of Oldham County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be allowed W. W. Morlan, late sheriff of Oldham county, to distrain for and collect his uncollected taxes and fee bills, subject to

all the pains and penalties now imposed by law for illegal collections.

1868.

§ 2. This act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 602.

AN ACT for the benefit of J. Wash Davis, Sheriff of Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. Wash. Davis, sheriff of Jefferson county, is allowed until the first Monday in June, 1868, to return to the Jefferson county court his delinquent list for the year 1867; and when allowed and certified by said court to the Auditor of Public Accounts, he shall be allowed credit therefor by said Auditor.

§ 2. That tax-payers of said county and city of Louisville, who have heretofore failed to pay their taxes to said sheriff, shall attend and pay the same to the sheriff or collector, at the court-house in said county, before the first day of April, 1868; and if he or she fail to pay before that day, ten per cent. upon the amount of his or her taxes remaining unpaid at that time shall be added thereto and collected by the sheriff or collector, and which shall be retained by them as part of, and in addition to, their commissions.

§ 3. This act shall take effect from its passage.

Approved February 26, 1868.

CHAPTER 603.

AN ACT to repeal the charter and reincorporate the Town of Elizabethtown.

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all acts and parts of acts incorporating the town of Elizabethtown, or establishing a police court therein, be, and they are hereby, repealed, and the said town is hereby reincorporated: *Provided, however,* That this act shall in nowise affect the property or other rights of individuals or of said town, or the liabilities of said town as a corporation; but all such rights and liabilities shall remain as if this act had not been passed.

Former charter repealed.

Not to affect rights of individuals.

§ 2. The trustees of said town now in office shall remain in office, and may exercise all the powers granted to the trustees of said town by this act, and shall be subject to all the liabilities and discharge all the duties imposed by this act in the same manner as if they had been elected under it, until their successors are elected and qualified.

Present trustees to remain in office until successors are elected.

1868,	§ 3. The boundary of said town shall be one and a half miles square, and shall be ascertained by running a line parallel with the center of Main street from the center of the public square three fourths of a mile each way; and then running at right angles from the end of each of these lines three fourths of a mile; and then running at right angles with these last lines so as to include the point of commencement in the center of the boundary.
Boundary of town.	
Seven trustees to manage, and when elected.	§ 4. The fiscal, prudential, and municipal affairs of said town shall be managed and controlled by seven trustees, to be chosen annually on the first Monday in April by the qualified voters of said town, who shall have resided therein six months before such election: <i>Provided, however,</i>
Who shall not vote.	That no person shall be allowed to vote at any election who has not paid all town taxes against him, or who is indebted to said town for fines imposed for an infraction
Term of office.	of the by-laws of said town. The trustees shall hold their office for one year from and after their election, and until their successors are elected and qualified; they shall, before they proceed to act, take the official oath prescribed by the Constitution and laws of the State, which oath may be administered by an officer authorized to administer such oaths, or by the circuit or county court clerk of Hardin county; and the officer administering such oath shall certify the fact to the board of trustees, and such certificate shall be spread on the records of the board.
To take oath.	
Vacancies.	In case a vacancy shall occur in the board of trustees, they may fill such vacancy by appointment. No person shall be a trustee who does not reside in said town, or who has not resided therein for one year, or who is a vendor of spirituous liquors by license, or is the owner or keeper of a billiard saloon and bowling saloon; and any trustee becoming such shall vacate his office.
Qualification of trustees.	
Declared a body corporate.	§ 5. The trustees of said town and their successors shall be a body-politic and corporate, and shall be known and styled "The Board of Trustees of Elizabethtown;" and by that name may sue and be sued, contract and be contracted with; they may have and use a common seal, and alter the same at pleasure.
May have common seal.	
In relation to meetings. Quorum.	§ 6. The board of trustees may fix by their by-laws the times of their regular meetings and the mode of calling special meetings. Four trustees shall constitute a quorum to do business; but a less number may, by order entered of record, compel the attendance of a quorum at any regular meeting by arrest. They shall elect one of their number president, and in his absence may elect a president for the occasion. The officer presiding shall sign the minutes of the preceding meeting when approved by the board, and shall put questions and preserve order.
President to be elected, and sign minutes of meeting.	

The trustees shall have power to provide by by-laws for punishing any one guilty of disorderly conduct in their presence while sitting; and may pass all such by-laws and ordinances, not inconsistent with the Constitution and laws of the United States or of this State, as they shall deem right and proper; they may take and hold real estate or personal property by purchase, devise, bequest, or donation, for the use and benefit of said town, and may lease or sell and convey the same; and they may lease or sell any such property now owned by them and convey the same: *Provided, however,* That they shall not lease or sell real estate except by a vote of six trustees, whose names shall be entered on the record.

§ 7. That the title of the streets, alleys, and public grounds in said town, except the public square, shall be vested in the board of trustees, and they may maintain any appropriate action to prevent any damage, obstruction, or injury to said streets, alleys, or public grounds, shade trees, ornamental trees, or street lamps, or to compel the removal of obstructions already in any of said streets or alleys or public grounds, or to recover damages for any injury hereafter done to any of said streets, alleys, shade trees, &c.

§ 8. The board of trustees shall have power to build cisterns and dig wells; to regulate the storage of gunpowder or other combustible material or materials of an unhealthy character, which may endanger the safety of said town or the health or comfort of any of its inhabitants; they may require chimneys, flues, or stove-pipes which may endanger the safety of property to be repaired or changed so as to render them safe, and may provide by penalties for compelling obedience to their orders. They may require the owners or occupiers of property fronting on streets or alleys to keep the streets or alleys in front of them clean; and, in case of failure or refusal, after five days' notice in writing to such owner or occupier, they may cause the same to be done, and recover the cost of so doing of the owner of the property. They may require owners of property to plant shade trees in front of their property on any of the streets or the public square in said town, and to protect the same by boxing, and may prescribe the kind of trees to be planted; and, in case any owner of property shall fail to plant trees when required, or to keep them boxed, the trustees may cause the same to be done, and recover the cost of so doing of the owners of the property. They may erect a market-house, and appoint a market-master, and remove him at pleasure, and by their by-laws regulate and govern the market in said town by preventing the sale of unwholesome meats, fruits, or vegetables, and may license butchers, hucksters, and others dealing in general marketing in said town, and

1868.

May provide for punishing persons guilty of disorderly conduct.

May take and hold real estate.

Title to streets, alleys, &c., vested in trustees, &c.

May build cisterns, dig wells, regulate storage of gunpowder, &c.

May require streets, alleys, &c., to be kept clean.

May have shade trees planted.

May erect market-house, appoint market-master, & regulate market.

1868.

May prevent
exhibition of
stalls and jacks,
and immoral
shows in town.
May organize
fire companies.

Establish
watch-house,
&c., and ap-
point watch-
men, and who
may be confined
in same.

May erect
pest-house.

May open new
streets and al-
leys, & extend
present streets,
&c.

Proceedings
to be observed
in opening new
streets & alleys.

impose a tax for license, and enforce their ordinances on this subject by fines imposed by by-laws: *Provided*, That no license shall be required of those marketing only the products of their own farms, dairies, orchards, or gardens. They may prevent the exhibition of stud horses or jacks on the streets or alleys of said town, or the exhibition of immoral or obscene shows or pictures in said town. They may organize fire companies, and appoint the necessary officers, and provide engines, buckets, and other things necessary to the fire department, and may require each resident to provide and keep a fire-bucket, and to prescribe penalties for a failure to do so. They may establish a watch-house and a work-house, and appoint watchmen; and any person committed to prison by the police court of said town for a breach of the peace, riot, affray, or unlawful assembly, or any offense against the ordinances or by-laws of said town, may, in the discretion of said police court, be confined in the work-house, at hard labor, during the period of his confinement. They may purchase ground in or near said town, and erect a pest-house thereon, and provide by by-laws for placing and confining therein any person afflicted with a malignant contagious disease, and shall provide for the comfort and well-being of any person placed therein.

§ 9. The said board of trustees shall have power to open new streets or alleys in said town, whenever they may deem it necessary or proper to do so, and may extend any of the present streets or alleys to the town limits, and may straighten or widen any of said streets or alleys.

§ 10. Whenever said board of trustees shall deem it necessary or proper to open a new street or alley, or to straighten or widen any of the old ones, and shall be unable from any cause to acquire, by agreement with the owner, the land required for such new street or alley, or for widening or straightening old ones, they may file their petition in the Hardin county court against the owner or owners of the land required, setting forth the quantity and boundary, and location of the land required, on which petition summons shall issue and be served on the owner or owners, if residing in the county, and if not, then on a known agent of such owner; but if there be no known agent, then the summons shall be served on such owner, if a resident of this State; but if a non-resident of this State, such owner may be warned to appear and proceeded against as provided in the Civil Code of Practice. When any one or more of said owners shall be properly before the court, the court shall direct a writ of *ad quod damnum* to issue as to such owner or owners, which writ shall be executed by the sheriff as in other cases. Whenever the value of the ground required for any such new

street or alley, or alteration of an old one, shall have been ascertained, the court shall enter judgment condemning such land, and allowing the new street or alley to be opened, or the old one altered: *Provided, however*, That no such order shall be made until the trustees of said town have paid in to the court the damages assessed and costs of the proceeding: *Provided, however*, That nothing in this act shall be construed to compel the said trustees to pay the damages assessed, unless after such damages are finally ascertained they shall elect to do so, and to open or alter the street or alley; but if they shall deem the damages assessed more than it would be expedient to pay, they may abandon the proceeding, being responsible only for cost; but upon their doing so, the court shall enter an order annulling the order condemning the ground: *Provided further*, That either party may appeal from the judgment of the county court to the Court of Appeals, from the final judgment of the court condemning the land or assessing the amount of damages to be paid, if the Court of Appeals has jurisdiction of the amount; but no such appeal shall be taken after one year from the final judgment appealed from.

§ 11. The board of trustees of said town shall have power to cause any of the streets or alleys of said town to be graded and paved, graveled, or otherwise improved; and they shall, within a reasonable time, procure a competent engineer or surveyor to survey and fix a grade for all the streets and the public square in said town, and to make a report and map or profile of the same, which report shall be recorded and the map carefully preserved.

§ 12. Said board of trustees shall have power to order any or all the streets and alleys in said town to be paved or repaired; sidewalks to be made and paved with brick, or repaired or curbed at the cost of the owners of property fronting on such street or alley, and shall ascertain and apportion the cost of such repairs or improvement among the several property-holders liable for a part thereof, according to the number of feet front owned by each, and may collect the same in the same manner that town taxes are collected: *Provided*, That the necessary grading shall be done at the general cost of the town: *Provided further*, That before any street, alley, or sidewalk shall be paved, curbed, or repaired at the cost of the owners of property fronting thereon, such owners, their agents or tenants, shall be notified of the kind and amount of improvement or repairs required to be done; and such owner, his agent or tenant, may, within three days after service of such notice, notify said trustees that he will repair or improve said street, alley, or sidewalk, as required, within a reasonable time, in which case he shall be allowed

1868.

May cause
streets & alleys
to be graded &
paved.

Engineer or
surveyor to be
appointed.

May cause
streets & alleys
to be paved or
repaired, &c.

Property-
holders to be
notified, &c.

1868.

a reasonable time within which to do so; but if he shall fail to make the required improvement or repairs within a reasonable time, and in the manner required, the trustees may cause it to be done, and assess the cost thereof and ten per cent. thereon against such owner: *Provided further*, That if said trustees shall deem it just to do so, they may pay not exceeding one third of the cost of improving or repairing any street out of the treasury of the town.

Lien on property for improvements.

§ 13. That for the cost of any improvements or repairs made by the trustees on the sidewalks, streets, or alleys of said town, and for the cost of which the owners of property fronting thereon are liable, the trustees shall have a lien on such property, which lien shall date from the commencement of the work in front of such property.

Exclusive right to license drinking saloons, &c.

§ 14. The board of trustees of said town shall have the exclusive right to grant licenses for and to regulate, in a manner not inconsistent with the laws of the State, the sale of spirituous liquors in said town, and to license billiard tables and bowling saloons; and may, by general or special ordinances, require all vendors of ardent spirits in said town to close their bar-rooms and keep them closed, and not to sell any such liquors on the Sabbath day, election days, or on such other public days and occasions as may be proper; and they may require all bar-rooms, billiard saloons or bowling saloons, to be closed after a specified hour at night, not earlier than ten o'clock, P. M.

What may tax.

§ 15. They may tax vendors of spirituous liquors, tavern-keepers, keepers of houses of public or private entertainment, coffee-house keepers, confectioners, livery-stable keepers, insurance agents, auctioneers, peddlers, brokers, gift enterprises, studs, jacks, or bulls kept in said town, drays, hacks, or other vehicles plying in said town for hire, except such as are owned by licensed livery-stable keepers, shows, or exhibitions exhibiting in said town or within one mile of it; and they may tax any person doing business in said town after the regular assessment is made for the year such proportion as the residue of the year bears to the whole year; and this shall apply both to property or to any business subject to a special tax: *Provided, however*, That nothing in this act shall be construed to dispense with the payment of the State tax on any person or occupation taxed by the laws of this State; but all such State taxes shall be collected by the treasurer of the board of trustees and accounted for by him in the same manner as county court clerks account for taxes collected by them.

Not to dispense with payment of State tax.

Persons licensed to give bond.

§ 16. Any person licensed by the board of trustees of said town, who, if licensed by the county court, would be

required to execute a bond and take an oath, shall execute a similar bond, with security to be approved by said trustees, on which such person and his sureties shall be liable in the same manner and to the same extent as if executed in the county court, and shall take the same oath.

1868.

§ 17. That if any vendor of ardent spirits licensed by said trustees, or any owner or keeper of any billiard tables or bowling saloon, shall permit disorderly or scandalous behavior in his house or on his premises, or shall permit unlawful gaming, or shall fail to close his bar-room, billiard saloon, or bowling saloons, in obedience to ordinances or by-laws which may be passed under the provisions of this act, or if any vendor of spirituous liquors shall permit any one to drink to intoxication in his house, they, or any of them, shall, on conviction before the police court of said town, be fined for the first offense not less than \$5 nor more than \$50 in the discretion of the court, and the license of such person shall be suspended until the fine and costs are paid; and on the second conviction, the fine shall not be less than \$20 nor more than \$100, in the discretion of the court, and the license of the offender shall be declared forfeited, and he shall not be again licensed to carry on the same business in said town for one year; and if the fine is not forthwith paid or replevied, he shall be confined in the county jail of Hardin county or in the work-house of said town one day for each two dollars of the fine and costs, or until the fine and costs are paid.

* Penalty for failing to close when ordered.

§ 18. The board of trustees of said town shall have power, by suitable ordinances or by-laws, with penalties adequate for the purpose—not, however, to exceed one hundred dollars fine or fifty days' imprisonment, or both—to suppress tippling-houses, bawdy-houses, gambling-houses, and to punish any one guilty of rioting, disturbing the public peace, disorderly or indecent conduct or language, disturbing religious worship, schools, public speaking or lectures, or lawful public meetings, injury to the streets, alleys, public grounds, shade trees, cisterns, wells, pumps, street lamps, churches, school-houses, or other public buildings or property belonging to said town or the county of Hardin, or any benevolent, charitable, or scientific association or institution; and to pass all such by-laws or ordinances as shall be necessary or proper to carry out any power given by this charter, or for the suppression and punishment of all such disorders and irregularities as shall be prejudicial to the good order and quiet of said town. The by-laws and ordinances now in force in said town shall remain until changed by the trustees. No by-law hereafter passed shall go into effect until ten days after the same is printed and placed in the hands of the clerk of the board of trustees, and a copy posted at the

May suppress tippling, bawdy houses, &c.

May punish disturbers of the peace, &c.

Present ordinances to remain in force until changed, and ordinances to be published before taking effect.

1868.

court-house door; but it shall not be necessary, on the trial of any one charged with a violation of said by-laws, that this proviso has been complied with, unless such person shall, before the trial is commenced, demand such proof.

May levy and
collect taxes,
&c.

§ 19. That the board of trustees of said town may levy and collect, annually, a tax not exceeding one dollar on each one hundred dollars' worth of property in said town (except lands used for horticultural or agricultural purposes), taxable under the revenue laws of the State, including the amount owned by any person residing in said town which ought to be given in under the equalization laws, and on such personal property owned by any person not a resident of said town as shall be employed by such person in business in said town. They may also levy a poll tax of not more than two dollars in any one year, on all the male inhabitants of said town over twenty-one years of age, and a special tax on dogs of not more than five dollars each in any one year.

May issue &
sell bonds.

When payable.

Not to exceed
\$25,000.

§ 20. That the board of trustees may issue and sell the bonds of the town, bearing interest at not more than *eight per cent.*, payable semi-annually, with coupons attached, whenever they shall deem it necessary for the improvement of said town. The bonds shall be payable at a period not more than twenty-years from their date, to be signed by the president of the board of trustees and countersigned by the town clerk, with the seal of the town affixed, and the coupons shall be signed by the clerk alone: *Provided, however,* That the amount of bonds outstanding shall at no time exceed the sum of twenty-five thousand dollars.

Account of
money received
and expended
to be published
annually.

§ 21. The board of trustees shall publish annually, at the expiration of the term of each board, an account of all the money received by and all the payments made out of the treasury during the year, and the amount of the debt of the town, which statement shall be verified by the president of the board.

Town treasurer
to be appointed
to give bond.

Fines, taxes,
&c., to be paid
to treasurer.

How to pay out.

§ 22. Each board of trustees shall, at their first meeting, appoint a town treasurer, and take bond from him with approved security, conditioned for the faithful disbursement of all moneys received by him as ordered by the board, and that he will settle his accounts and pay over to his successor any balance in his hands at the expiration of his term; and the trustees may, at any time, require him to renew his bond, and, on his failure to do so in five days, may remove him. The marshal or other officer collecting fines, taxes, or money due for licenses, or money recovered in the name of the trustees or for their use, shall pay the same over to the treasurer, and take his receipt for the same. The treasurer shall pay-

out no money, except on the order of the board of trustees, certified by the clerk and indorsed by the president of the board.

1868.

§ 23. Any person desiring to test the validity of any by-law or ordinance passed by said board of trustees, may do so by petition in the Hardin circuit court against the board of trustees, setting forth the particular by-law or ordinance believed to be illegal, and the facts showing its illegality, and showing that, if enforced, it will affect the rights of the plaintiff. On the filing of such petition, the judge of the Hardin circuit court, or, in his absence from the county, the county judge of Hardin county, may grant an injunction, commanding the trustees to abstain from any attempt to execute such ordinance or by-law until the further order of the circuit court; but no such order shall be issued by the clerk until the plaintiff shall execute in his presence, with one or more sureties to be approved by him, an injunction bond in the sum fixed by the officer granting the injunction. The action shall stand for trial on the tenth day of the first term of the court, commencing not less than ten days after service of the summons in the action on the president or four members of the board of trustees, and shall be summarily disposed of by the court. Either party may examine witnesses orally in court, and may appeal from the decision to the Court of Appeals without regard to the amount in controversy; but such appeal shall not be taken after six months from the rendition of the judgment.

How by-laws of trustees may be tested.

§ 24. There shall be elected by the voters of said town qualified to vote for trustees, on the first Monday in April, 1868, and biennially thereafter, on the first Monday in April a police judge, who shall hold his office for two years and until his successor is elected and qualified. No person shall be police judge or marshal of said town who is not twenty-five years of age, and who has not been a resident of said town for two years. No vendor of spirituous liquors at retail, keeper or owner of a billiard saloon or bowling alley, shall be either police judge or marshal, and any person holding either of said offices, who shall, during his term of office, become such vendor, keeper, or owner, shall, *ipso facto*, vacate his office. No person who has been marshal of said town shall be eligible to a second or other term, unless he shall, at least thirty days before the election at which he is a candidate, obtain from the board of trustees, at a regular meeting, a certificate, to be approved by five of said board, whose names shall be entered on the record, certifying that he has faithfully discharged his duties during his term or

Police judge to be elected.

Qualification of judge and marshal.

Marshal not eligible to second term, unless he has received a quietus.

1868.

Jurisdiction
and powers of
judge.

terms, and has paid over all money collected by him for said trustees, and settled his account.

§ 25. The police judge of said town, or, in his absence, the president of the board of trustees, shall have exclusive jurisdiction of all offenses against the ordinances or by-laws of said town, and concurrent jurisdiction with the county judge and justices of the peace of said county of all misdemeanors committed in said town of all offenses of which they now have jurisdiction, and shall have such jurisdiction in civil cases as a justice of the peace, and such additional jurisdiction in penal cases as is conferred by the general laws of the State; he shall be a conservator of the peace in Hardin county, and shall be commissioned by the Governor, and give bond in the county court as a justice of the peace is required to do, and take the same oath. The court of the police judge shall be styled "The Police of Elizabethtown," and is declared to be a court of record, and shall have all such powers of preserving order, punishing contempt of its authority, and enforcing obedience to its authority, that is possessed by county courts. All fines imposed by the police for offenses committed in the town shall be for the benefit of the town, and shall be paid over by the officer collecting the same to the treasurer of the board of trustees. All warrants issued by the police judge for offenses committed in said town, which are cognizable in the police court, shall be in the name of the Commonwealth of Kentucky for the benefit of the trustees of Elizabethtown, and shall be executed by the marshal or any peace officer of the county to whom they are delivered, and returned to the police court for trial. Said police court shall have power to take bail for the appearance of persons charged with offenses within its jurisdiction at a subsequent day for trial, or to indorse on warrants issued the sum in which the defendant may be admitted to bail by the officer making the arrest, for his appearance on a day to be fixed by such officer; and in case any defendant shall fail to appear in discharge of his or her bail, may declare the same forfeited, and summons the defendant and his sureties to show cause why judgment should not be rendered for the amount of the bond; and if no sufficient reason is shown within ten days after service of the summons, may give judgment for the amount, on which judgment a *capias pro fine* may issue; and when collected, the money shall be paid to the town treasurer: *Provided, however,* That the bail required of a defendant shall in no case exceed the amount of the fine which might be imposed. Said court shall have power and jurisdiction to enforce the laws of the State against vagrants, gypsies, and peddlers who shall offend against the laws of the

How warrants
issued, and to
whom directed.

Further pow-
ers of judge.

State against vagrants, gypsies, and peddlers within the limits of said town, and to require bonds to keep the peace and be of good behavior.

1868.

§ 26. A marshal of said town shall be elected annually, at the same time trustees are elected, and shall hold his office for one year and until his successor is elected and qualified; and he may, with the consent of the board of trustees, appoint one or more deputies, who shall have the same qualifications as prescribed for the marshal, and may be removed at pleasure by the marshal. The marshal and his sureties shall be liable on the marshal's bond for the acts of such deputies. The marshal shall, within ten days after his election, execute bond, with securities to be approved by the board of trustees, conditioned for the faithful performance of his duties, and that he will in due time collect and pay over to the proper person all taxes, fines, assessments, forfeitures, or other dues of said town placed in his hands for collection, and that he will in good faith, to the best of his skill and judgment, execute all such duties as may be lawfully required of him by the board of trustees, or are imposed by this act. The marshal shall execute all process to him directed from the police judge or other officer for breaches of the by-laws or ordinances of said town, or for offenses committed in said town, and may execute process issued by any officer in the Commonwealth for infractions of the penal laws of the State, and for these purposes may go to any part of Hardin county. He shall have the same power to execute civil process that constables have, but shall not be bound to go more than one mile beyond the town limits for that purpose, and shall not do so except by his deputies, unless he be permitted by a resolution of the board of trustees: *Provided, however,* That he shall have no power to execute civil process until he shall have entered into bond, with approved surety, in the county court, in the same manner that constables are required to do. He shall collect all taxes, fines, assessments, forfeitures, or other dues of said board of trustees placed in his hands for that purpose, and may go to any part of Hardin county to do so, and shall have all the powers to levy, distrain, and sell for any such taxes, fines, forfeitures, or assessments, that sheriffs have in the collection of the State revenue or county levy, and shall be entitled to the same compensation, and any additional compensation the board of trustees may allow. He may sell any real estate in said town to pay any town tax or assessment against its owner, whenever the same shall be in his hands for collection and remain unpaid, and he shall be unable to find personal property in said town sufficient to pay the same. He shall advertise and sell any real estate levied on by

Marshal to be elected, who may appoint one or more deputies.

Shall execute bond.

His powers and duties.

May sell real estate to pay taxes, how and when.

1868.

May be re-
deemed.

him in the same manner and in every respect as sheriffs are required to advertise and sell real estate levied on under execution, and shall return the authority under which he made the levy and sale, with his return indorsed thereon, to the clerk of the circuit court of Hardin county, who shall record the same in the same manner as execution sales are required to be recorded, and shall be entitled to the same fees therefor. Such real estate shall be subject to redemption in the same manner, and in the same time, and on the same terms, as real estate sold under execution, and if not redeemed within one year, shall be conveyed to the purchaser by the marshal in the same manner as real estate is conveyed by sheriffs; and for making such deed the marshal may charge and collect from the purchaser a fee of two dollars and fifty cents; but no such sale or conveyance shall be made by a deputy marshal.

Further du-
ties of marshal.

§ 27. It shall be the duty of the marshal to arrest all persons who may at any time be guilty of a violation of any of the provisions of the by-laws of said town, or of the charter, respecting the good order, peace, and tranquility of said town or any of its inhabitants, and, when necessary, he may call to his aid any or all the white male inhabitants of said town to enable him to make arrests or quell disturbances; and any such inhabitant who shall, on being summoned by the marshal to aid him in the execution of his office, refuse to obey him and render assistance, shall be fined not less than \$2 nor more than \$50, recoverable in the police court. He may at all times arrest drunken persons, and he may commit to the jail of Hardin county any person who shall be found in said town drunk or disorderly between 8 o'clock at night and daylight in the morning; and the jailer of said county is authorized and required to receive such person into and confine him or her in the jail until morning; but he shall bring such person before the police judge or the president of the board of trustees, or, in their absence, before the county judge of Hardin county, or a justice of the peace for said county, before ten o'clock next morning; and if no one appears against such person, he shall be discharged; or if none of the aforementioned officers can be found, the jailer shall discharge such prisoner. The marshal shall attend all sittings of the police court, and may be required by the board of trustees to attend any or all their meetings, and to perform such other services, not inconsistent with the nature of his office, as they may prescribe by by-laws.

When offices
forfeited.

§ 28. In case the police judge or marshal shall fail to give bond as required by this act, within ten days after the former receives his commission and the latter is elected, he so failing shall forfeit his office, and the same

shall be declared vacant by a resolution of the board of trustees; or if either shall remove from the town, his office shall, in like manner, be declared vacant.

1868.

§ 29. In case a vacancy shall occur in the office of police judge or marshal, the board of trustees shall appoint a suitable person to fill such vacancy; and in case of the appointment of a police judge, the fact shall be certified to the Governor, who shall commission the person so appointed, who shall hold his office until a successor is elected and qualified.

Vacancies in office of judge or marshal—how filled.

§ 30. The police judge may charge and collect the following fees: for issuing a warrant cognizable in his court, one dollar; for swearing a jury and presiding at the trial, one dollar; for presiding at a trial when no jury is required, fifty cents; for each subpoena for one or more witnesses, twenty-five cents; for a recognizance or other bond, seventy-five cents; for a recognizance to keep the peace, to be paid by the applicant, one dollar; for swearing a witness, ten cents; and for all other services, he shall be allowed the same fees that are allowed county judges for similar services.

Fees of judge.

§ 31. Either party may appeal from a judgment of the police court to the Hardin circuit court in any case when, by the provisions of the Civil or Criminal Codes of Practice, such party would have a right to appeal from a judgment of the quarterly court or of a justice of the peace, and the appeal shall be taken in the same manner, within the same time, and on the same conditions, as from the quarterly court. Appeals may also be taken by either party in penal cases in like manner when the validity of a by-law or ordinance is brought in question on the trial, without regard to amount; and in this latter case, the Court of Appeals shall likewise have jurisdiction without regard to the amount in controversy: *Provided, however,* That if the appeal to the circuit court be prosecuted by the board of trustees, no bond shall be required of them.

Appeals may be had.

§ 32. The board of trustees shall appoint a clerk of their board, whose duties and pay shall be determined by the board.

§ 33. The board of trustees may employ an attorney to prosecute persons brought before the police court for offenses committed within the town, and may agree with him as to his compensation.

May employ attorney.

§ 34. No person residing in said town shall be required to work on any public road except as herein provided; but in lieu of so working, all the inhabitants of said town, who would otherwise be liable to work on such roads, shall be taxed annually not less than two dollars and fifty cents nor more than five dollars, the amount to be fixed by the trustees at the time of fixing the town tax for each

In relation to working on public roads.

1868.

year, and the names of such persons to be ascertained by the person making the assessment of property subject to taxation: *Provided, however,* That the parent or guardian of minors who are liable to road tax shall be liable for the amount of tax due for such minors. The money thus collected shall constitute a special road fund, and shall be used under the orders of the board of trustees for working, improving, and macadamizing or graveling the roads leading into said town which are required by law to be worked by persons residing in town; and said trustees shall be responsible as overseers of roads are now responsible for failing to keep such roads in good repair.

Trustees to
have control of
cemetery.

§ 35. The board of trustees shall have full control and management of the town cemetery, and may appoint a sexton to take charge of it, and may provide by by-laws for protecting it from desecration, trespass, or injury, and may ornament and improve it in such manner as to them shall seem proper.

When elec-
tions to be held,
and by whom.

§ 36. That all elections held under this charter shall be held at the court-house by the clerk of the board of trustees, or, in his absence or disability to act, by the clerk of the Hardin county court, or, in case of their absence, inability, or refusal to act, then by some one to be appointed by the board of trustees. The officer holding the election shall be responsible in every way as officers of other elections are by the laws of the State. The poll-books of such elections shall be returned to the clerk of the Hardin county court, who shall make out duplicate certificates of election for each person elected, one of which shall be handed to each of the persons elected, and one duplicate certificate of the election of police judge shall be forwarded to the Secretary of State, and the duplicate of those elected trustees and marshal shall be delivered to the board of trustees at their next meeting.

May submit
to citizens the
question of tak-
ing stock in
Town Hall.

§ 37. That the board of trustees may submit to a vote of the qualified voters of said town, on a day to be fixed by them, the question whether they shall subscribe for and on behalf of the town for any specified amount, not exceeding five thousand dollars of the capital stock, of the Elizabethtown Town Hall Company; and if a majority of those voting shall vote for such subscription, it shall be made by order of the board by the president, and a tax sufficient to pay the subscription within three years shall be levied and collected as other taxes of said town.

May submit to
citizens ques-
tion of taking
stock in turn-
pikes leading
into said town.

§ 38. Said board of trustees may in like manner submit to a vote of the qualified voters of said town the question whether they shall subscribe, on behalf of said town, not exceeding ten thousand dollars to any one turnpike road company proposing to build a road into said town, or to intersect any turnpike now leading into said town, at a

distance of not more than five miles from the town boundary; and if a majority of those voting at such election shall vote in favor of making such subscription, it shall be made, and a tax levied at the same time sufficient to pay that sum and its interest within eight years, and on the faith of such levy may borrow the money to pay their subscription, and the ordinance thus made to levy the tax shall not be repealed until the debt is paid: *Provided, however,* That the aggregate subscriptions made under this section shall not exceed thirty thousand dollars.

§ 39. This act shall be in force from and after its passage.

Approved February 26, 1868.

CHAPTER 604.

AN ACT to incorporate the Louisville Fire and Marine Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Cornwall, Abner Cooper, Thos. T. Shreve, W. Geo. Anderson, W. H. Dulaney, Thos S. Kennedy, and Ormsby Hite, together with their associates, successors, and assigns, be, and are hereby, appointed and made a corporation and body-politic, under the name and style of the Louisville Fire and Marine Insurance Company; and by that name are made capable in law to have, purchase, or receive, possess, enjoy and retain, to them and their successors, lands, tenements, rents, goods, chattels, public or private securities of any kind, quality, or nature whatsoever, not exceeding at any one time the sum of five hundred thousand dollars; and to sell and dispose of the same at any time, or in any manner, not contrary to law; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or in any other place whatsoever; also to make and use a common seal, and the same to break, alter, and renew at pleasure; also to ordain, establish, and put in execution, such by-laws as may be necessary and convenient for the government of said corporation, not contrary to the laws of this Commonwealth.

§ 2. The capital stock of this company shall not exceed the sum of five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 3. The corporators named in this act, or any three of them, shall, within six months from the passage of the same, open books for the subscription of stock; and when twenty-five hundred shares have been subscribed, they shall give notice of a meeting of the subscribers, when fifty dollars shall be paid in hand on each share subscribed

1868.

for, and the company shall be organized, when the remaining fifty dollars on each share shall be secured to be paid, at the time and in the manner that shall be designated by the shareholders who have paid in fifty dollars on each share subscribed for by them. The corporators named, or any of them, who shall fail to subscribe for stock, shall cease to be members of the company; and the stock of all such subscribers as shall fail to pay fifty dollars on each share subscribed for by them shall be forfeited to the company, and may be subscribed for by others, under the direction of the president and board of directors.

§ 4. The board of directors may, in their by-laws, prescribe the manner in which the capital stock of this company shall be increased; but in no event shall it exceed the sum of five hundred thousand dollars.

§ 5. The business of this company shall be managed by five directors, who shall be stockholders. An election for directors shall be held at the first meeting of the subscribers; and the directors then elected shall continue in office until the first Monday in January succeeding, or until their successors are chosen; and on the first Monday in January of each year an election for directors shall be held at the office of the company, such election to be held under the direction of three stockholders, who shall have been appointed by the directors, and shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock; and upon all questions submitted to the stockholders for decision, the same rule as to voting the stock shall apply.

§ 6. The board of directors may choose one of their number as president, in such manner, and for such period, as they may ordain by their by-laws, and fix his compensation; and employ such clerk or clerks, secretary or agent, and servants, as they may deem necessary for conducting the affairs of the company; and make such compensation as may be agreed on. At all meetings of the board of directors, a majority of the whole number shall form a quorum for the transaction of business.

§ 7. Whenever the sum of one hundred and twenty five thousand dollars shall be paid in, and the further sum of one hundred and twenty-five thousand [dollars] shall be secured to be paid, to the satisfaction of the president and directors, they shall have full power and authority, in the name of said company, to insure all kinds of property against loss or damage by fire, on the general conditions and principles of fire insurance, and to do and perform all lawful things relating to the said object of fire insurance; also to issue policies of insurance upon cargoes on board of steamboats, or by inland transportation on railroads, also upon the hulls and appurtenances of steamboats,

against the risk of fire, and the perils of navigation on the western waters.

1868.

§ 8. The form of the certificates of shares and manner of transfers shall be regulated by the by-laws of the corporation; and a lien is hereby created in favor of the corporation on the stock of each shareholder, for any claim that the company may have for the unpaid part of his or her shares, or other debts due or arising to said company.

§ 9. Semi-annually each year a fair and clear statement of the affairs of the company shall be made out and exhibited to the stockholders, and a dividend of such proportion of the profits be made, as a majority of the president and directors may decide: *Provided, however,* That no such dividend shall be made or declared until the whole of the capital stock of said company has been fully paid; but the net earnings of the company may be credited upon the stock notes until the same are fully paid; and the president and directors may also declare such dividends to the policyholders in said company, on the participation plan, out of any surplus profits resulting from its business, as they may see fit; but in no case shall the capital stock be diminished.

§ 10. Should any election, directed to be held under the charter of said company, from any cause be neglected to be held on the day designated, or to be held on a subsequent day, the corporation shall not, from that cause, be dissolved; but any and all elections made in good faith, shall be held and deemed valid as if held on the day designated by the act of incorporation.

§ 11. That this company shall not have authority to deal in real estate beyond what is necessary to successfully carry on their business, nor to engage in any banking operations outside of its business as strictly an insurance company.

§ 12. The stockholders and subscribers to said company shall be individually liable for losses or debts of the said corporation incurred in the regular course of business thereof, to the extent of their subscribed stock, but no further.

§ 13. Said company shall, at all times, comply with all general laws or statutes regulating fire and marine insurance companies, which may be enacted by the General Assembly of this Commonwealth.

§ 14. This act shall take effect from its passage.

Approved February 26, 1868.

1868.

CHAPTER 605.

AN ACT to amend "An act to incorporate the Auction Mart Association, of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William J. Robards, Julius Dorn, J. J. Porter, Julius Barkhouse, and Z. M. Sherley, and their associates and successors, are created a body corporate and politic, for thirty years, under the name and style of the Louisville Mercantile Association; and shall be capable in law to contract and be contracted with, sue and be sued, in all courts of this Commonwealth or elsewhere, as natural persons; to have a common seal, and alter, renew, or abolish at pleasure; to acquire, by purchase or otherwise, and hold and convey, real estate, not to exceed fifty thousand dollars at any one time.

§ 2. The object and purpose of this association is, and it is hereby authorized and empowered to establish, and carry on a grain elevator and general auction commission business, in the county of Jefferson, for the storage and sale of grain, cotton, tobacco, distilled spirits, flour, produce, provisions, goods, wares, merchandise, live stock, real estate, tenements, stocks, bonds, machinery, agricultural implements, furniture, &c.

§ 3. This association shall have the power to make cash advances on any of the articles or things above mentioned in the preceding section, and may sell the same to pay advances, storage, and charges, according to the rules and regulations established by the Louisville Chamber of Commerce, excepting real estate, which shall require thirty days' notice, and then no sale shall be made without the consent of the owner, except as is provided for, and in the manner prescribed by, the laws of the Commonwealth for the foreclosure of mortgages.

§ 4. The capital stock of this association shall be one million dollars, divided into shares of five hundred dollars each, and may be subscribed and paid for, issued and transferred, as may be prescribed by the by-laws of the association; and when five hundred shares have been subscribed, and twenty per cent. paid in cash into the treasury, and the balance secured to be paid, this association may commence business.

§ 5. The persons named as corporators of this association shall compose the first board of directors of the same; but should any of them fail to become stockholders, or fail or refuse to act, the others, or any two of them, may fill the vacancies. The board of directors may enact by-laws for the government and management of the affairs of the association; and may establish the rates of fees, charges, and commissions of the same, not inconsistent with the

laws and ordinances of the city of Louisville, the State of Kentucky, or the United States.

1868.

§ 6. This association, by its by-laws, may prescribe the terms and tenure of its officers and directors, and the qualification and the compensation of its officers and employees.

§ 7. This act shall be in force from its passage.

Approved February 26, 1868.

CHAPTER 606.

AN ACT to amend an act, entitled "An act for the benefit of Nathan Wallis, of Hickman County, and Robert Taylor, of Monroe County," approved February 19th, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Nathan Wallis, of Hickman county, and Robert Taylor, of Monroe county," approved February 19, 1849, be, and the same is hereby, so amended as to authorize Medley & Dancey, the present owners of the mills erected by said Wallis, under the authority conferred on him by said act, to close the space of twenty-four feet said act required to be left between the frames of said mills for the passage of boats and other crafts.

§ 2. That said Medley & Dancey are authorized to increase the height of their mill-dam to ten feet: *Provided, however,* They shall first obtain from the Hickman county court a writ of *ad quod damnum*, and shall, in all things, comply with the provisions of the sixty-seventh chapter of the Revised Statutes.

§ 3. This act shall take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 607.

AN ACT to redistrict and arrange the Voting Places in Metcalfe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of Metcalfe county court shall, at a regular term of the county court for said county, in the month of March or April, 1868, make an order upon the records of said court appointing three discreet, impartial citizens of said county, who shall be commissioners to rearrange and construct and rebound the justices' civil districts and voting places in said county. Said commissioners shall be sworn to faithfully and justly, to the best

1868.

of their ability, perform the duties assigned them under this act; which oath, and the certificate thereof, shall be recorded on the records of said court.

§ 2. It shall be the duty of said commissioners, within ten days after their appointment and qualification, to assemble at the court-house in said county; and they may adjourn from place to place in the county, and carefully and impartially, with the view to securing the greatest convenience to all the citizens of the county, and to equalizing the territory and population in each civil district, lay off the county into the same number of civil districts it now has, and designate and fix the voting place in each district. They shall, as far as may to them seem practicable, retain the present districts, but have full power to add to, take from, or change the boundary of any, and to change and fix anew any voting place in either; and they shall make out a report in writing showing the boundary of each, its number, and the place designated and fixed by them for voting and holding all elections; which report shall be signed by them and returned to said court at the first succeeding regular county court after their appointment; and the same shall be entered of record by said court. The districts and precincts so fixed, bounded, and reported by said commissioners, shall be the lawful justices' civil districts and voting places in said county: *Provided, however,* If, in rearranging the said districts, the residence of any justice of the peace or constable is found to be outside of the district as rearranged and bounded, it shall not affect his tenure of office or vitiate his official acts, but such officer may continue to hold and perform the duties of his office for such district till his term expires as if his residence were within the new district.

§ 3. The county court of said county shall make a reasonable allowance, and cause the same to be paid out of the public revenues of said county, to said commissioners and the clerk of said court for their services under this act.

§ 4. The sheriff of the county shall be furnished by said clerk with three copies of each district boundary as fixed aforesaid, within ten days after said report is made to said court, and he shall post one at each voting place, and the other two for each district at public places in the district sixty days before the August election, 1868.

§ 5. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 608.

1868.

AN ACT to repeal an act, entitled "An act to incorporate the Hickman Marine Railway and Dock Company."

WHEREAS. The company organized under and by virtue of the above named act found it impracticable to construct the contemplated marine railway and dock at or near the city of Hickman; and whereas, said enterprise was long since abandoned by said company, but not, however, until after there had been stock subscribed and conveyances made in trust for the use and benefit of said company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act, entitled "An act to incorporate the Hickman Marine Railway and Dock Company," approved March the 9th, 1854, be, and the same is hereby, repealed; and the Commonwealth of Kentucky hereby releases and relinquishes to such stockholders in said company as may have paid in all or any part of the stock they may have subscribed, or shall have made conveyances in trust for the use of said company, all claim or title which said Commonwealth may have to said stock so paid or to said conveyances so made, by reason of the repeal hereby made, or by reason of any judicial forfeiture which may hereafter be had on account of abandonment or non-user of franchise created by the act hereby repealed: *Provided, however,* That this act shall not be so construed as to interfere with the settlement, by the courts of the State, of any controversies existing between the stockholders and officers of this company upon equitable principles.

§ 4. This act to take effect from and after its passage.

Approved February 26, 1868.

CHAPTER 609.

AN ACT for the benefit of J. C. Evans.

WHEREAS, James C. Evans was appointed by the trustees of Glasgow, and gave bond, for the collection of the railroad tax due from said town, [for] the year 1860, to the Barren County railroad, levied by said trustees for that year under an act of the Legislature; and whereas, said Evans failed to collect all of said tax and pay it over as his bond and the law required him to do, and he has been sued by the trustees of said town and judgment rendered against him for the part uncollected and not paid over; and whereas, doubts exist as to whether, as collector under said appointment, he now has the power to levy and distraint for said uncollected taxes; therefore,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said James C. Evans shall have and the power is hereby given him, as collector aforesaid, to levy and distrain for any and all of said taxes yet remaining due and unpaid; and he may levy upon any real estate in said town so taxed as aforesaid and sell the same, or so much thereof as will be sufficient to pay the tax due thereon and cost for said year, under the same rules, regulations and restrictions, that lands may now be sold under executions; and the purchaser at such sale shall acquire a good and clear title to the land so purchased, which shall be completed by said Evans conveying the same to him by deed at the end of twelve months from the day of sale—in cases where it did not sell for two thirds of its value—if the purchase-money and ten per cent. thereon shall not, in the meantime, be paid to him by the person claiming the property, or some one for him; and in case the property sells for two thirds of its value, the purchaser shall have a deed at once from said collector, and be vested with full title to the same, and be allowed to possess himself of the property.

§ 2. That, before said collector proceeds to make a sale of real estate, he shall select and summon two disinterested citizens of said county, and swear them to make a fair and impartial valuation of the real property so levied upon, and certify the same in writing and deliver the same to said collector, who shall, in case he makes the sale, make a certificate thereof, showing all the facts, and return the same, with the certificate of said appraisers, to the clerk of the circuit court, who shall carefully file the same and record it in his office in the book where he records judgments of justices of the peace filed there upon a return of execution "No property found."

§ 3. This act to take effect from its passage.

Approved February 28, 1868.

CHAPTER 610.

AN ACT for the benefit of J. M. Robinson, late Sheriff of Hickman County.

WHEREAS, Judgment has been rendered by the Franklin circuit court, at its June term, 1862, against John M. Robinson and his securities, for the revenue due the State of Kentucky from him as sheriff of Hickman county for the year 1861, and for costs, interest, and damages; and whereas, it has been made known to appear to this General Assembly that, on the fourth day of January, 1862, said Robinson was arrested by a band of men professing to act under the authority and command of the so-called pro-

visional government of Kentucky, and by force compelled to give up and surrender to them fifteen hundred and fifty-two dollars and three cents, including four hundred and twenty-four dollars and fifty-eight cents of claims upon the Treasury, of the revenue collected by him as aforesaid from said county for the said year 1861, and has not recovered the same.

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said sheriff shall have a credit upon said judgment for eleven hundred and twenty-seven dollars and forty-five cents, and the interest and damages thereon; and said Auditor is directed to enter the credit.

§ 2. That in case the said credit is more than enough to extinguish the balance now due on said judgment, the overplus may be used by said sheriff in payment of the judgment against him for the revenue of 1860, and it shall be so entered by said Auditor.

§ 3. That in case said sheriff shall pay all the principal, interest, cost, and attorney's fees of said judgment for the revenue of 1860, on or before the first day of May next, he shall be, and is hereby, released from the damages included in said judgment.

§ 4. This act to take effect from its passage.

Approved February 28, 1868.

CHAPTER 611.

AN ACT for the benefit of Calloway County.

WHEREAS, The county of Calloway has incurred considerable liability by employing guards to insure the confinement of one William F. Diggs, a notorious and desperate marauder, charged with, and executed for murder, against repeated attempts to rescue him from the custody of the jailer of said county; and that said guards were deemed necessary, and ordered by the presiding judge of the circuit court for said county, prior to the promulgation of an act, approved March 9, 1867, entitled "An act to amend the law in relation to the selection and payment of jail guards;" and also that the necessity for said guards arose from apprehended danger of rescue by an armed resistance to the law, and not from any insufficiency of the jail of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said county be exonerated from the payment of the claims of said guards out of the county levy, and that the sheriff thereof is directed to pay said claims, amounting to nine hundred and thirty-one dollars and

1868.

fifty cents, out of the revenue due from said county for the year 1867; and the Auditor of Public Accounts is directed to credit said sheriff with said amount upon a settlement of his accounts for said revenue.

§ 2. This act to take effect from its passage.

Approved February 28, 1868.

CHAPTER 612.

AN ACT to amend an act, entitled "An act to incorporate the Pleasureville, Bethlehem, and Kentucky River turnpike company."

WHEREAS, The Pleasureville, Bethlehem, and Kentucky River turnpike road company have completed their road for two and one third miles, to the width of fifteen feet, as required by their charter, and have made one mile more of their road of the width of twelve feet; and whereas, said road passes through the village of Pleasureville, at the distance of one mile from its railroad terminus, and persons may come to said town from either end of the road without passing through the toll-gate established by the company, or any gate which they might establish; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Pleasureville, Bethlehem, and Kentucky River turnpike road company be, and the same is hereby, amended so as to allow said company to collect tolls for travel over their said road as it now is.

§ 2. That said company be, and they are hereby, authorized to collect tolls for travel over their said road from and for persons and things chargeable with tolls passing over their said road to and from the village of Pleasureville, whether such persons pass through their toll-gate or not.

§ 3. That nothing in this amendatory act shall be so construed as to discharge any subscriber to, or stockholder in, said company, from any obligation heretofore entered into with said company.

§ 4. This act shall be in force from and after its passage.

Approved February 28, 1868.

CHAPTER 614.

AN ACT to Charter the Paducah and Cairo Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. S. Trimble, S. Stoats Taylor, John W. Ogilvie, Thomas H. Corbett, William Bradshaw, and Dr. Charles Elliott, and their successors in office, be, and they

are hereby, created a body politic and corporate, by the name of "The Paducah and Cairo Railroad Company," with all powers and authority incident to corporations, and such as are vested and created by this act.

1868.

§ 2. That the said Paducah and Cairo railroad company is hereby authorized and empowered to construct and operate a railroad, with single or double track, and necessary side-tracks, switches, and appendages, from the city of Paducah, on the Ohio river, in the State of Kentucky, to a point near the mouth of the Ohio river, opposite the city of Cairo, in the State of Illinois; or said road, by the consent of a majority of the board of directors, may be located to commence at any point on the railroad running from Paducah to Union City, in the State of Tennessee, and to run to the aforesaid point opposite the city of Cairo; and said company are authorized and empowered to make any contract for running said road jointly, with any other road, that the president and directors may deem necessary and proper.

§ 3. The said company, in and by their corporate name of the Paducah and Cairo railroad company, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts, with power to acquire, hold and use, all such real and personal estate and fixtures, as shall or may be necessary to construct and operate said road; and may have and use a common seal, and exercise all the powers, rights and privileges, which other railroad corporations in this State may lawfully have, enjoy, and exercise; and shall have perpetual succession of members by the name and style aforesaid.

§ 4. The capital stock of said company shall be one million dollars (\$1,000,000), divided into ten thousand shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors, by their by-laws, may direct; that said company is authorized to receive subscriptions or other aid from any State, corporation, or individual, and may receive donations and subscriptions in land for stock, and receive conveyances for the same, which may be sold and conveyed by said company for the benefit and use of same, as the parties thereto may agree.

§ 5. The business and affairs of said corporation shall be managed and controlled by a board of five directors, any one of whom chosen by a majority shall be president, all of whom shall be stockholders. The first board of directors shall consist of L. S. Trimble, S. Stoats Taylor, J. W. Ogilvie, Thomas Corbett, who shall continue in office until their successors are elected by a majority in interest of the stockholders. If any director or directors

1868.

decline or refuse to serve, a majority of the others may fill the vacancy by appointment until the next regular election. A majority of said board of directors may adopt such rules and by-laws for the regulation and management of the business of the corporation as they may deem proper, not inconsistent with the Constitution and laws of this State and of the United States. The said board of directors, or a majority of them, may open books of subscription, and any of them may receive subscription to the capital stock of said company, at such times and places, and on such notices, as they may deem proper, until the whole amount of the capital stock may be subscribed; and as soon as fifty thousand dollars of said capital stock is subscribed for, the said directors, or any of them, may give notice to the several stockholders by advertisement of the time and place at which an election shall be held for a new board of directors, who shall hold and continue in office for twelve months, and until their successors are duly qualified. The board of directors, or the stockholders, may fill all vacancies in the said board which may happen by death, resignation, or otherwise, and may increase the board of directors to any number not exceeding nine, and may make calls upon subscriptions of stock for payment, as they may deem proper, not exceeding ten per cent. for every thirty days; and the said board of directors shall, once in every year at least, make a full report on the state of the company and its affairs to a general meeting of the stockholders.

§ 6. The president and directors of said company, or a majority of them, shall have power to cause such examinations and surveys to be made for the route of said railroad, as they may deem necessary; and shall, as soon thereafter as practicable, select and determine the route on which said railroad shall be constructed, and locate the same.

§ 7. The board of directors, or a majority of them, by and with the assent of a majority in interest of the stockholders, at any general or called meeting, shall have power, and are authorized to borrow not exceeding six hundred thousand dollars, at an interest not exceeding eight per cent. per annum, and may issue the bonds of said company, to be executed by said officers, and in such manner, and payable at such times and places as they may order; and they may pledge and mortgage the road, and any other property owned by them, including superstructure, rails, ties, rolling-stock, &c., together with their franchises, rights of way and effects, to secure the payment of the money so borrowed; and to render the same effectual, may convey same in trust to such person or persons as they may designate, to be held in trust to secure the payment of said borrowed money and interest.

§ 8. That all the powers and franchises, and the mode of exercising same, as are granted by the General Assembly of Kentucky to the Elizabethtown and Paducah railroad company, is hereby conferred upon the Paducah and Cairo railroad company, subject to the same regulations and restrictions as to tolls, fares, tariffs, and rates of charges, taxes, &c. 1868.

§ 9. That said Paducah and Cairo railroad company shall not be allowed any banking privileges, and shall not issue notes or bonds to be circulated as money or bank notes, and shall exercise no other privilege that is in conflict with the Constitution or laws of the State of Kentucky.

Approved February 28, 1868.

CHAPTER 615.

AN ACT to authorize the Logan County Court to change the location of the Hopkinsville and Morgantown Roads, in Logan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Logan county court be, and is hereby, authorized and empowered to alter and re-establish the Hopkinsville and Morgantown road, in Logan county, under the laws and proceedings by which county courts are now authorized to change the location of other roads: *Provided, however,* That the authority hereby conferred shall not be exercised after the first day of January, 1869.

§ 2. This act to take effect from and after its passage.

Approved February 28, 1868.

CHAPTER 616.

AN ACT for the benefit of H. G. V. Wintersmith, late Presiding Judge of the Hardin County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and is hereby, allowed H. G. V. Wintersmith, late presiding judge of the Hardin county court, to collect uncollected fee bills due him, and that he may distrain for the same under all the pains and penalties now imposed by law for the collection of illegal fee bills.

§ 2. This act shall take effect from the fifteenth day of February, 1868.

Approved February 28, 1868.

1868.

CHAPTER 617.

AN ACT for the benefit of Common School District No. 14, in Trigg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school district No. 14, in Trigg county, are authorized and empowered to appropriate any money that may have been drawn from the State by reason of there having been a common school taught in said district during the year 1867, to the payment of any debt contracted or incurred by said district or trustees in the erection of any school-house in said district.

§ 2. That this act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 618.

AN ACT to establish a Road from London, Laurel County, to Booneville, Owsley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jarvis Jackson and Alex. Pearl, of Laurel county, and Ambrose Powell, James Morris, and John Rader, of Jackson county, and Emberson Minter and J. L. Mainus, of Owsley county, are hereby appointed commissioners, who shall act in concert in viewing out and locating a way for a road to lead from some point or place fixed for a depot on the railroad line near London, Laurel county, to Booneville, in Owsley county. The starting point on the railroad line shall be the most convenient and nearest practical point to start a road to lead to Booneville, Owsley county.

§ 2. That said commissioners, before acting, shall take an oath as viewers of roads are now required by law, and shall locate said road on the nearest practical route, without reference to private interest, and with a sole view to the public good. They shall have authority to employ a competent surveyor, and have said road surveyed and graded and marked distinctly, and a diagram to be returned with their reports, which shall be returned to their respective county courts at their June term, 1868, or as soon thereafter as may be practical.

§ 3. The said courts shall immediately proceed to establish and open said road within the limits of their respective counties; take such steps and proceedings as are required by law for the establishing and opening county roads.

§ 4. The commissioners shall be allowed one dollar per day for their service, to be allowed and paid by their re-

spective county courts. The employees for surveying and grading said road shall be paid a reasonable fee for their service, to be paid pro rata by the three several county courts of Laurel, Jackson, and Owsley counties.

1868.

§ 5. This act shall be in force from its passage.

Approved February 28, 1868.

CHAPTER 619.

AN ACT for the benefit of Morgan County.

WHEREAS, The cross-indexes to the records of the Morgan county court were destroyed by the burning of the office in 1862—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the clerk of the Morgan county court to make out full and complete cross-indexes to the records of said court.

§ 2. It shall be the duty of the Morgan county court, at its next court of claims, to make a reasonable allowance, to be paid out of the county levy, to the clerk, for the services required to be done by him in the first section of this act.

§ 3. This act to take effect from its passage.

Approved February 26, 1868.

CHAPTER 620.

AN ACT for the benefit of John Dixon and Alfred Sumner, Trustees of Common School District No. 13, in Trigg County.

WHEREAS, There was a common school taught in district No. 13, in Trigg county, during the year 1865, and the trustees having failed to make the report required by law in the time prescribed by law; and whereas, the said John Dixon and Alfred Sumner, trustees aforesaid, were compelled to pay for teaching said school; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Dixon and Alfred Sumner, trustees of common school district No. 13, in Trigg county, for the year 1865, are hereby authorized to appear before the common school commissioner for the county of Trigg, and make out a report in the same manner as is now required by law of trustees of common schools for the year 1865, which report shall immediately be forwarded to the Superintendent of Public Instruction, and thereupon the Superintendent of Public Instruction shall certify to the

1868. Auditor the number of children attending school in said district, the average and lowest number, and the amount that would have been due said district had the report of the trustees been made as required by law. Whereupon the Auditor of State shall draw his warrant upon the Treasurer for the amount that would have been due said district for the year 1865, in favor of the said John Dixon and Alfred Sumner.

§ 2. This act to take effect from and after its passage.

Approved February 28, 1868.

CHAPTER 621.

AN ACT for the benefit of J. H. Holladay and others.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That J. H. Holladay, W. W. Howard, and James L. Arnold, former clerks of the Nicholas circuit court, and John W. Campbell, late sheriff of said county, be, and they are hereby, allowed further time of two years to list and distrain for their fee bills, subject, however, to the present law for issuing illegal fee bills.

Approved February 28, 1868.

CHAPTER 622.

AN ACT for the benefit of B. R. Harris, of McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a ferry franchise or public ferry is hereby granted to Benjamin R. Harris, of McCracken county, State of Kentucky, to be located from his land on the Ohio river, and to run to the opposite shore near the town of Brooklyn, in the State of Illinois.

§ 2. That, from and after the passage of this act, said Harris shall have the right to go before the county court of said county of McCracken, and there enter into bond and security, as provided by the laws of this Commonwealth in all cases of public ferries across said river Ohio.

§ 3. That it shall be within the jurisdiction and the duty of said county court to permit the giving of such bond and security, and also to fix the rates of ferriage, as by law said court is required to do in all public ferries across said river.

§ 4. That said Harris shall have the right to use a steam ferry-boat, or other mode of conveyance, he at all times keeping the same in repair, and properly attended by com-

petent hands, as now required by law in regard to all other ferries across said river; and he being subject to all the penalties provided by law for a failure to do so.

1868.

§ 5. That said Harris shall, in all things, be bound to perform all duties now required by law of the owners and keepers of public ferries in this Commonwealth.

§ 6. That the ferry franchise hereby granted shall be for the term of twenty years, from and after the giving of bond and security as hereinbefore required; and that he shall have the right to transport persons and property, by means of his said ferry, across said river, and receive compensation for same, as other owners of public ferries across said river.

Approved February 28, 1868.

CHAPTER 623.

AN ACT to change the Voting Place in the Brandy Springs Precinct, in Garrard County, and in Magistrates' District No. 1, in Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in the Brandy Springs precinct, in Garrard county, shall hereafter be at the Paint Lick school-house.

§ 2. That the voting place in magistrates' district, in Washington county, No. 1, be, and the same is hereby, removed to the house of Stephen Eusora.

§ 3. This act to take effect from its passage.

Approved February 28, 1868.

CHAPTER 624.

AN ACT for the benefit of Robert McAlister, late Sheriff of Greenup County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert McAlister, late sheriff of Greenup county, be, and he is, released from all damages adjudged against him by the fiscal court for the non-payment of the State revenue for the year 1866.

§ 2. This act shall take effect from its passage.

Approved February 28, 1868.

1868.

CHAPTER 625.

AN ACT for the benefit of A. L. Thompson, late Sheriff of Bourbon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time is given, until the first day of March next, to A. L. Thompson, late sheriff of Bourbon county, to make out, return, and file with the Auditor, his delinquent list for the year 1866.

§ 2. When said list is so made out, returned, and filed, properly certified as required by law, the Auditor is directed to allow said Thompson credit for the amount thereof on the judgment of the Franklin circuit court in favor of the Commonwealth against said Thompson and his sureties.

§ 3. This act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 626.

AN ACT authorizing the Cumberland County Court to Levy Tax to pay off County Debts, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for Cumberland county, a majority of the justices concurring, shall have power to levy, at the regular court of claims, a tax of not exceeding thirty cents on the one hundred dollars' worth [of] taxable property in said county, to aid in paying off the debts of the county, or for the further improvement of the public buildings of said county. They shall have the further power to levy an additional poll-tax, of not exceeding two dollars, for the purpose aforesaid.

§ 2. This act shall take effect from and after its passage, and shall be in force for the years 1869 and 1870, and no longer.

Approved February 28, 1868.

CHAPTER 627.

AN ACT to repeal an act approved 18th December, 1865, entitled "An act to amend and add to an act, entitled 'An act to authorize the City of Paris to raise, by Taxation, a Fund for the support of Public Schools.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved 18th December, 1865, entitled "An act to amend and add to an act, entitled 'An act

to authorize the city of Paris to raise, by taxation, a fund for the support of public schools," be, and the same is hereby, repealed.

1868.

§ 2. This act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 628.

AN ACT to amend the Charter of the Town of Ashland, in Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no license shall be granted by the county court of Boyd county to keep a tavern within the corporate limits of the town of Ashland, until the applicant for such license shall have first obtained the consent of the trustees of said town, and shall produce to the court the written permission of the board of trustees of the town. This shall not be construed to abridge the power of the county court in the exercise of its discretion in refusing a license to keep a tavern, nor shall the consent of the board of trustees be required to authorize the granting of license to keep a tavern without the privilege of selling ardent spirits, vinous or malt liquors, or the mixture of either. The trustees of the town of Ashland shall have power to require of the person or persons obtaining a license to keep a tavern, with the privilege of selling spirituous, vinous, or malt liquors, or the mixture of either, to require, in addition to the tax now required by law, pay to the board of trustees, or such officer of the town as they may direct, and to form a part of the general revenue of the town of Ashland, a sum not less than ten nor more than fifty dollars, to be fixed by the by-laws of the board of trustees; any person who shall violate the provision of this section of this act, shall, for every offense, be liable to pay a fine of twenty dollars, which may be recovered by proceedings in the name of the Commonwealth of Kentucky, for the use of the board of trustees of said town; all licenses hereafter granted by the Boyd county court, with the privilege of selling liquors, either spirituous, vinous, or malt, or mixtures of either, without the consent aforesaid of the board of trustees, said license shall be void and no protection to him, her, or them, in any court of this Commonwealth.

§ 2. The board of trustees shall have power to require all persons within the corporate limits of said town of Ashland, engaged in selling spirituous, vinous, or malt liquors, by license or otherwise, to close their doors and not to sell, loan, barter, give away, or permit to be drank,

1868.

any spirituous, vinous, or malt liquors, or the mixture of either, on an election day or any other public day, when, in the judgment of the board of trustees, the peace, quiet, and good order of the town may require it, and also on the Sabbath day; and the board of trustees are hereby authorized to make such rules and regulations, by by-laws, as will be necessary, in their judgment, to enforce their orders; may impose a fine and imprisonment, the fine not to exceed twenty dollars for each offense, and imprisonment not exceeding ten days; and, in addition to such penalty, the person found guilty shall forfeit his or her license, and shall not again have license for two years.

§ 3. That the board of trustees of said town may require of all venders of spirituous, vinous, or malt liquors within the corporate limits, to pay a tax, not exceeding fifty dollars, and obtain a license; the tax to be paid as the board of trustees may direct.

§ 4. The jailer of Boyd county is hereby authorized to receive and confine in the jail of the county such persons as may be ordered to be confined in jail in pursuance of the by-laws of the town.

§ 5. The police judge of the town of Ashland shall have jurisdiction of all the offenses under this act; and the judgment arising therefrom shall be for the use of said town, and a part of the revenue thereof.

§ 6. All acts or parts of acts that come in conflict with the purview of this act are repealed.

§ 7. This act shall be in force from and after its passage.

Approved February 28, 1868.

CHAPTER 629.

AN ACT to amend an act, entitled "An act to change the Road Law in Greenup County," approved February 17, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section ten of an act, entitled "An act to change the road law of Greenup county," approved February 17, 1866, as empowers the road commissioners of said county to use the road tax in the construction of bridges and other improvements, be, and the same is hereby, repealed; and that hereafter the commissioner of roads shall have the tax collected in each road district expended in said district, under the direction of the overseer of the road in said district.

§ 2. That this act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 630.

1868.

AN ACT to incorporate the Anderson Mining Company.

• *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That James Crutcher, Wm. A. Holland, and J. F. Smith, their associates, successors, and assigns, be, and are hereby, constituted a body corporate and politic, by the name and style of the "Anderson Mining Company;" and by this name and style shall have perpetual succession; with power to contract and be contracted with; to own property; to sue and be sued in all courts and places; to have a common seal; to engage in mining for any minerals of value, precious or useful; to prepare for market or any other lawful use, to hold or sell the same as any other property of value, and to have all other powers needful and proper for the successful prosecution of their business and for the execution of the powers herein granted.

§ 2. That said corporators may organize said company by the appointment of a president and four directors, and such other officers as they may think proper, at such time and place as they may designate, by notice given ten days previously, in some convenient newspaper; and when organized, said company shall have power to make such by-laws, rules and regulations, as they may deem necessary for the government of the business of said company, and to enforce the same; and said by-laws must not conflict with the laws of the State or of the United States.

§ 3. The capital stock of said company shall be one hundred thousand dollars, and may be increased at any time by the company, but not to exceed two million dollars; and the said stock shall be represented and divided into shares of one hundred dollars each; and each stockholder shall be entitled to one vote for each share of stock owned by him, which shall be given *viva voce* or by proxy.

§ 4. The said company may buy, lease, or rent, or otherwise lawfully obtain, any suitable lands, mines, or mining privileges or products, rights of way, and other property and rights necessary for their business; and may dispose of the same, or any portion of the same, by sale or in any other lawful manner; they may receive real estate, leaseholds, mining rights, and rights of way, &c., in payment of such part of subscriptions to stock as they may deem advisable.

§ 5. Said company may erect and build on any of their lands such buildings, engines, machinery, and fixtures, as may be deemed convenient and proper for establishing and conducting the business of said corporation.

§ 6. That the first president and directors appointed under the second section of this act shall serve until the first

1868. Tuesday in January following, at which time an annual meeting of the stockholders shall convene; and on that day, and annually thereafter, the said company shall elect five directors to serve the following year; but should a new board of directors fail to be elected at any annual meeting, the preceding board shall remain in office until their successors are duly elected. Each board of directors shall have the same powers and privileges as are granted to the first, and enumerated in the second section above-mentioned, besides the appointment of all officers and agents of the board and of the company; and any three of them shall be a quorum, whose acts shall be the acts of the company, if done in proper session.

§ 7. The stockholders of this company shall be liable for the debts, contracts, and undertakings of the company, only to the extent of their stock, and no further responsibility is hereby imposed upon them.

§ 8. This act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 631.

AN ACT to authorize the Assessor of Trigg County to employ Daniel Coleman, a Constable of said county, an Assistant Assessor in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the assessor of Trigg county is authorized to employ Daniel Coleman, a constable of said county, to assist the assessor of said county in taking the assessor's lists of said county. That said assistant shall, in the county court, take an oath to faithfully perform the duties of said assistant, and is authorized to administer the oath now required to be administered to persons listing their property for taxation.

§ 2. That the assessor of said county shall be responsible for any malfeasance or misfeasance of said assistant.

§ 3. That this act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 632.

AN ACT to amend an act to incorporate Smithfield College, in Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of the act to incorporate the Smithfield College, in Henry county, be, and the same is hereby, so amended as to have said trustees therein pro-

vided for elected by the stockholders the first Saturday of April in each and every year—each share of stock to be entitled to one vote. 1868.

§ 2. This act to take effect from its passage.

Approved February 28, 1868.

CHAPTER 633.

AN ACT to change the Boundary of the District of Highlands, in Campbell County, and to fix the voting place therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the district of Highlands, in Campbell county, be so changed as that the lower line of said district shall run from the present beginning point of said district as now, to where it intersects the old line of the Jamestown district, and thence with said Jamestown district line to the Ohio river; and that the boundary of the said Highlands district be extended upwards along the line parallel with the Campbell turnpike road to a point opposite the dividing line between Elijah Pierce and Richard Robertson; thence in a direct course, including said Robertson, to the Ohio river, and thence down the Ohio river until it strikes the upper corner of the old Jamestown district.

§ 2. The voting place in said district of Highlands is hereby established at the tavern-house of John Lilly; and all territory, by the provisions of this act cut off from the district of Highlands, is added to the Jamestown district.

§ 3. This act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 634.

AN ACT to incorporate the Harrodsburg Library Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jno. Aug. Williams, Nat. Gaither, Horace Anderson, Chas. Hardin, Beriah Magoffin, Z. P. McBrayer, A. M. Sea, Wm. M. Tomlinson, and J. Q. Chenowith, be, and they are hereby, created a body-politic and corporate, to be known and called "The Harrodsburg Library Institute;" and by that name shall have perpetual succession, with full powers to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of law and equity, as a natural person; and to have and use a common seal, and to change and alter the same at pleasure; also to make a constitution, and all rules, by-laws, regula-

1868.

tions and conditions, that they may think proper for the management and good government of said institute, and the conduct of its affairs and business; and to do all other acts and things not contrary to the Constitution of the United States and the Commonwealth of Kentucky; and the persons hereinbefore named are hereby authorized to organize and establish the said institute, upon any plan they may deem expedient, and to change and complete the same at pleasure; they may elect or appoint, in any manner that they may choose, such officers and agents as may be necessary to attend to the affairs and business of said company, and discharge or change them whenever they may deem it proper, and may fix their compensations, and prescribe their qualifications, powers, and duties; they may prescribe time and mode of their own succession, and have all other powers usual and incident to corporations, and do anything necessary to an efficient organization of said company.

§ 2. That the said Library Institute shall have power to acquire by purchase, and hold any estate, real, personal, and mixed, and to take, receive, and hold any goods, moneys, lands, or tenements, which may be given, granted, or devised to said institute; and that they may sell, dispose of, and convey the same, according to the provisions of the by-laws which may be hereafter established by the incorporators or other members of the institute; but it is expressly understood that this institute shall exercise no banking or lottery privileges.

§ 3. This act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 635.

AN ACT authorizing a settlement with the Greenville Seminary, and to appoint other Trustees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county judge of Muhlenburg county, at the April term, 1868, of the Muhlenburg county court, to appoint three persons, residents of the county of Muhlenburg, commissioners to settle with and state the accounts of the present trustees of the Greenville Seminary, and report the same to court.

§ 2. That it shall be the duty of said commissioners to give said trustees fifteen days' notice in writing of the time and place at which they propose to meet to make said settlement; at which time and place they shall proceed with the settlement, and may continue from day to day, or from time to time, until a full settlement of all the

accounts has been made, which they shall report to the said court, with the vouchers and proofs.

1368.

§ 3. That after the said settlement shall have been made and reported to the court by the commissioners, it shall lie over one term for exceptions, and at the next succeeding term, if no exceptions have been filed, it shall be the duty of the court to approve the same, and to order it to be recorded. Said court shall have the power to hear and determine any matters of dispute concerning the said settlement, or any item thereof which may be raised by exceptions aforesaid; and to this end may hear other evidence than that taken before the commissioners, if either may desire it.

§ 4. That an appeal may be taken and prosecuted by either party from the judgment of said court to the Court of Appeals, when the same shall be heard and determined according to the ordinary rules and proceedings in said court.

§ 5. That it shall be the duty of the county judge of said county to appoint some attorney residing in the county of Muhlenburg to prosecute the proceedings, and attend to the interest of the Seminary before the commissioners, in the name of the Commonwealth of Kentucky.

§ 6. The county judge of Muhlenburg county court is directed and empowered to appoint five trustees, residents of the county of Muhlenburg, for and on behalf of the Greenville Seminary, who are authorized to institute suit or suits, in any of the courts of this Commonwealth having jurisdiction thereof, in the name of the Commonwealth of Kentucky, for the recovery of any lands belonging to the Greenville Seminary. They are further authorized and empowered to sell and dispose of said lands as directed in the acts granting seminary lands in this Commonwealth.

§ 7. That the trustees, when so appointed, shall take possession of all property, whether real or personal, belonging to said Greenville Seminary, upon their executing bond in a penal sum, payable to the Commonwealth, which sum shall be fixed by the county judge, and which may be placed in suit by the Commonwealth or any one aggrieved thereby.

§ 8. That nothing in this act shall be construed so as to ratify any illegal act of the former trustees of said seminary.

§ 9. That so much of all acts in relation to the Greenville Seminary as is inconsistent with this act is hereby repealed.

§ 10. That the county court, at its court of claims, shall levy for the commissioners and the attorney authorized to

1868.

be employed, a reasonable sum in compensation for their services.

§ 11. That this act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 637.

AN ACT to incorporate the Regent Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ambrose W. Dudley, Matt. Gay, and Z. F. Smith, their associates and successors, be, and are hereby, created a body-corporate and politic, under the name of the "Regent Mining Company;" by which name said company may contract, sue and be sued; it may have and use a common seal; and may prescribe such by-laws, and employ such officers and agents, and do such other things as are proper and necessary for the management and prosecution of its business.

§ 2. Said company is authorized to take and possess, by gift, purchase, or in any other lawful way, in fee or for a term of years, any real estate, or any mining or other privilege therein, which it may deem useful and proper in the prosecution of its business, and may dispose of such estate at pleasure.

§ 3. Said company is authorized to mine its lands for any valuable minerals which may be contained therein, and to take, refine, prepare, transport, and sell all mineral product by it so obtained; and it may procure and erect all necessary fixtures, tools, machinery, and buildings for the successful conduct of its business.

§ 4. The board of directors shall, at their first meeting, fix the amount of the capital stock of said company, subject to be altered by the board of directors at any subsequent meeting, but never to exceed two millions of dollars, and to be divided into shares of such denomination as they may determine, to be evidenced by proper certificates, and transferred as the by-laws shall direct. The board of directors may dispose of the capital stock in such manner as they may deem most advantageous for the interests of the company; and may use a portion thereof in the purchase of such real estate, mining privileges, machinery, and fixtures, as may be deemed necessary in the prosecution of the business of the company.

§ 5. The three persons named in the first section of this act shall constitute the board of directors of said company, from and after the approval of this act, until their successors are elected; they shall elect one of their number president of the board, and shall appoint such other officers as

may be necessary to the purposes of the company, together with employees as needed. The number of directors may, at any time, be increased to not more than seven; and the time and place of holding meetings and elections for vacancies shall be fixed in the by-laws.

1868.

§ 6. The stockholders of this company shall be liable for the debts, contracts, and undertakings of the company only to the extent of their stock, and shall be laid under no further responsibility.

§ 7. This act shall take effect from its passage.

Approved February 28, 1868.

CHAPTER 638.

AN ACT to incorporate the Greenville Hill Cemetery, of Woodford County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Aaron Searcy, Henry Jackson, Salem Waters, and George Craig, be, and they are hereby, created a body politic and corporate, under the name and style of the Greenville Hill Cemetery Company; and by that name to sue and be sued, plead and be impleaded, in all the courts of this State; to have and use a common seal, and to alter and change the same at pleasure.

§ 2. That said company is authorized, empowered, and permitted to purchase and contract for thirty acres of ground in Woodford county, Kentucky, not exceeding five acres, for the purpose of a cemetery or burial ground; to acquire and possess the title to the same; to erect any buildings or improvements thereon; to lay off the same into lots, and sell and dispose of the same, and to make deeds to purchasers.

§ 3. That said land thus acquired shall be exempt from all taxes.

§ 4. That said company shall meet as often as a majority of the corporators may designate, to transact business; and all conveyances to be made by a majority of the corporators; and they may make such rules and by-laws as they may deem proper, not inconsistent with the laws and Constitution of this State and of the United States.

§ 5. That the corporators named herein shall meet, elect one of their number as chairman, one as secretary, and one as treasurer; with power to purchase all necessary books for the company to record their transactions in; and the minutes of each meeting are to be signed by the chairman.

§ 6. That no money shall be paid out except upon the consent of a majority of the corporators, recorded in the

1868.

book of the company; and the treasurer shall, from time to time, make report of all moneys received and paid out by him, as the company may direct; and they may receive donations, from time to time, in money or property; they may, if they see proper, open books for the subscription of stock, in shares not exceeding fifty dollars each, and issue certificates of stock when the money is paid in; and the capital stock shall not exceed ten thousand dollars, unless by permission of the General Assembly; and all dividends arising from the stock subscribed, after payment of all debts, to be ratably divided between the stockholders, and each share shall be entitled to one vote.

§ 7. This act to take effect from its passage.

Approved February 28, 1868.

CHAPTER 639.

AN ACT to incorporate the Blandville and Ballard County Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. H. Stovall, William J. Harkless, J. M. Unsell, George W. Utterback, A. S. Taylor, C. P. Ray, and Z. W. Bugg, be, and they, or a majority of them, are hereby, appointed commissioners to receive subscriptions of stock, at such places and upon such terms as they may deem fit and proper, to the capital stock of the company hereby incorporated.

§ 2. That as soon as sixty shares are subscribed, said commissioners, or a majority of them, are authorized to call a meeting of the stockholders for the election of a president, vice president, and five directors, and such other officers as may be necessary; and that in the election of officers, and in all other elections, such stockholders shall be entitled to one vote for every share of stock subscribed, and a majority of such votes shall control all elections.

§ 3. That the capital of said company shall not be less than two or more than five thousand dollars, in shares of twenty-five dollars each; and as soon as sixty shares are subscribed, then such stockholders, and such as may thereafter become stockholders, are hereby incorporated, by the name of the "Blandville and Ballard County Agricultural and Mechanical Association;" with perpetual succession; and by that name shall have power to sue and be sued, to contract and be contracted with, to have and use a common seal; to make such a constitution, by-laws, and regulations, not inconsistent with the Constitution and laws of this Commonwealth, as may be necessary to carry out the objects of this incorporation.

§ 4. That the company hereby incorporated may own any quantity of real estate, in or near the town of Blandville, not exceeding twenty-five acres; may erect such buildings and improvements thereon as may be necessary and suitable for a stock, agricultural, or mechanical fair, and such other purposes as may be desired, legitimately belonging to such association; and power is hereby given to said company to hold such fairs and award premiums, or they may allow the use of their grounds and improvements to such other associations or persons for that or other purposes, as they may deem right and proper, and upon such terms as may be agreed upon by the contracting parties.

1868.

§ 5. That no person shall take nor hold more than twenty (20) shares of the capital stock of this association.

§ 6. That the annual profits of said association, after the payment of the necessary expenses, shall be divided among the stockholders thereof according to the amount of stock subscribed and paid in by each one.

§ 7. This act to take effect from and after its passage.

Approved February 28, 1868.

CHAPTER 640.

AN ACT to amend the Charter of the Cincinnati, Lexington, and East Tennessee Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of the charter to which this is an amendment, where it reads "And upon the application of said company, or its agents, the mayors of the respective cities, and county judges of such counties, respectively, so applied to, may give public notice," &c., be so amended as to read shall give public notice, &c.

§ 2. That section twenty-seven be repealed.

§ 3. This act to take effect when accepted by the company, if within ninety days from its passage.

Approved February 28, 1868.

CHAPTER 642.

AN ACT to incorporate the town of Rockcastle, in Trigg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following boundary of land, in Trigg county, on the Cumberland river, be, and is hereby, established as the town of Rockcastle, the said boundary having

1868.

been run by B. B. Mart, the present surveyor of Trigg county, viz: Beginning at three elms and a hornbeam, F. B. Harris' corner, on the bank of the creek; thence with his line down the creek south fifty three and a half degrees, west twenty and eight tenth poles, to a hickory; thence south nineteen and one fourth degrees, east six poles, to a hickory stump; thence south forty-two degrees, west two and one fourth poles, to an elm, near the spring; thence north thirty-three degrees, west seven poles, to a hickory, sweet-gum, and hornbeam; thence south forty-eight and one half degrees, west twenty-one poles, to an ash; thence south fifty-one degrees, west twenty poles, to a hickory; thence south thirty-five and a half degrees, west thirty-one poles, to a linn; thence south thirty-two degrees, west forty-six poles, to a hickory and black walnut on the bank of the Cumberland river, above the mouth of the creek; thence down the river as it meanders, north twenty-nine and a half degrees, west fifteen poles, at low water mark, to Hillman's corner on the bank of the river; thence with Hillman's line north, sixty-seven degrees east, crossing the Wallonia road at fifty-four poles—in all one hundred and thirty-four poles—to a poplar marked (R), in a hollow; thence south thirty degrees east, crossing the Cadiz road at forty-four poles—in all ninety-seven poles—to the beginning, containing one hundred and fourteen acres.

§ 2. That one copy of said survey be kept by the trustees of said town, subject to the inspection at all times of the citizens of said town, and that said trustees cause another copy to be filed in the office of the county court of said county.

§ 3. That S. M. Hopson, G. W. Henson, and Samuel Bowland, are hereby appointed trustees of said town, and shall hold their office until the first Monday in April next, at which time, and annually thereafter, there shall be an election by the qualified voters of said town of three trustees to serve for one year, and until their successors are duly elected and qualified.

§ 4. All free white males twenty-one years of age, who have resided in said town sixty days next before an election, shall be qualified to hold office or to vote for any, at any election in said town.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town on the first Monday in April next, who shall hold their office till the next regular election of county judge and sheriff in said county, at which time the said officers shall be elected for the same term as are the officers aforesaid.

§ 6. Said officers, including the trustees, shall, before they enter upon the duties of their office, take the oath prescribed by law; and the marshal shall execute bond in

the county court, with approved security, conditioned for the faithful discharge of his duties.

1868.

§ 7. Said police judge and town marshal shall have concurrent jurisdiction with justices of the peace and constables in Trigg county in criminal and penal cases, and a like jurisdiction in civil causes, within the limits of said town, and to charge the same fees as for services as justices of the peace are allowed to charge by law for like services.

§ 8. The trustees are empowered to pass such by-laws, and enact such regulations, as may be necessary for the good government and well-being of said town, and not in contravention with the constitution and laws of this Commonwealth, and to fill any vacancy in any office created by this act that may occur from any cause, till the next regular election; and they may also appoint a clerk, and pay him for his services any compensation that may be agreed upon, out of money belonging to the town.

§ 9. Said trustees shall have power to levy a tax on all persons living in said town, or owning property in the corporate limits of said town, of not exceeding fifty cents on each one hundred dollars' worth of property, *ad valorem*, to be applied to the repairs of said town, and for other purposes, as the trustees may deem proper for the good of the town; and they shall also have the power to impose upon each male citizen of said town over twenty-one years of age a poll tax of not more than two dollars each, to be applied as the *ad valorem* tax is above directed to be; and all fines and forfeitures collected in said town shall be paid to the trustees, to be used for the benefit of said town.

§ 10. The clerk of the board of trustees shall keep a full and faithful record of the proceedings of the trustees of said town, which shall at all times be subject to the inspection of all the citizens; and all by-laws and ordinances passed by the trustees shall be copied by the clerk and posted up by him in not less than three conspicuous places in said town, at least ten days before same shall take effect.

§ 11. That the trustees of said town shall have power and authority to grant one or more coffee-house licenses in said town to *bona fide* keepers thereof, which license shall be signed by the chairman of the board of trustees, and attested by the clerk, and shall run for one year; but before any such license shall be granted, the applicant for the same shall pay to the clerk of the county court of Trigg county the State tax thereon, and produce to the trustees or their clerk, the receipt of the county clerk therefor, and shall also pay to the trustees such tax as they may fix thereon for the benefit of said town; said tax, however, not to exceed one hundred [dollars]. The applicant shall

1868.

also take the oaths by law required of persons to sell spirituous liquors, and shall execute to the trustees a bond, with good security, to keep and conduct said coffee-house in such manner and under such restrictions as may be prescribed by the trustees in their by-laws: *Provided*, That said trustees shall have power, by an order entered upon the records, at any time to suppress any such license for a violation of the oaths or bond required of the applicant by the trustees.

§ 12. That the clerk that the trustees are authorized to appoint shall be one of their number; and they are also authorized to appoint one of their number to act as chairman of the board of trustees.

§ 13. This act to take effect from its passage.

Approved February 29, 1868.

CHAPTER 643.

AN ACT to incorporate the Browder Institute, in Logan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. B. Hutchings, E. B. Barnea, D. Y. Winston, D. Darby, Wm. Hogan, R. C. Browder, W. R. Browder, and their successors in office, be, and they are hereby, constituted a body politic and corporate, to be known by the name of the Trustees of Browder Institute; and by that name they shall have perpetual succession and a common seal, with power to alter or renew the same at pleasure; to sue or be sued, plead or be impleaded with, in any of the courts of this Commonwealth; to acquire by gift, grant, devise, purchase, or otherwise, any real or personal property for the use of said institute, not to exceed fifty thousand dollars in value, to sell and dispose of the same according to the by-laws which may be hereafter established by the trustees of said institute, and reinvest the proceeds thereof in such real and personal estate, for the use of the institute, as they may deem proper.

§ 2. The capital stock of said institute shall be divided into shares of twenty dollars each, to be subscribed and paid for according to the regulations laid down in its by-laws; but this act shall not be construed so as to affect the trust and conditions upon which the stock is held that has been already subscribed for the benefit of said institute; and said stock is to be held and disposed of in accordance with the articles of agreement already made and entered into by the stockholders. It is hereby declared that the stock which has been already subscribed for the benefit of said institute shall be entitled to the benefits conferred by this charter. The said trustees shall hold the property already

purchased for the benefit of said institute, and the stock subscribed, as has been agreed upon in the articles of agreement entered into by them before the date of this act; and they shall acquire and hold such property as may be purchased hereafter for the benefit of the institute, and dispose of the same as may be determined by its by-laws.

1868:

§ 3. The trustees may open books for the subscription of additional stock in said institute, at such times and places, and keep the same open for such length of time, as they may hereafter prescribe by the by-laws to be established under this charter, and prescribe the mode and time of payment of the same.

§ 4. The trustees hereby incorporated shall hold their office until the first Saturday in July, 1868, at which time, and annually thereafter, an election shall be held by the stockholders for trustees of said institute; each stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he or she holds; and the candidates receiving the largest number of votes shall be declared duly elected, and shall hold their office until their successors shall be elected.

§ 5. The trustees shall have power to choose from their own body a president, secretary, and treasurer; and shall have power to fill all vacancies in their own body, or the said officers, until the next regular election; and at all meetings a majority shall constitute a quorum to do business.

§ 6. The president shall have power to call a meeting of the board when, in his opinion, the interest of the board shall require it; any two members of the board may call a meeting in the absence of the chairman, or upon his failure to attend, or when the interest of the school shall so demand.

§ 7. The trustees shall have power, a majority thereof concurring, to elect the professors, principal, and tutors of said institute; and upon the disqualification, death, resignation, or removal from office of any of the trustees, professors, principal, tutors, or other officers of said institute, the board of trustees shall fill the vacancy by appointment. The clerk, treasurer, professors, principal, and tutors, shall be subject to the direction of the board of trustees, and to be removed by them when they shall deem it proper for the interest of the institute to do so.

§ 8. The trustees shall have power, from time to time, to establish such by-laws, rules and ordinances, not inconsistent with this charter, the Constitution and laws of this State or of the United States, as they shall deem necessary for the government of said institute; and are hereby invested with all the other powers and authority incident to similar institutions.

1868.

§ 9. The stock may be negotiated and assigned on the books of the trustees, and the assignee be entitled to all the privileges of stockholders.

§ 10. This act shall take effect from and after its passage. The Legislature, however, reserves the right to alter, amend, or repeal this charter.

Approved February 29, 1868.

CHAPTER 644.

AN ACT to amend an act, entitled "An act for the benefit of the Joint Stock Agricultural and Mechanical Association of Madison County," approved January 29th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all affrays, assaults and batteries, riots, routs, breaches of the peace, unlawful assemblies, all cases of indecent and immoral conduct calculated to disturb the peace and good order, during the continuance of any fair of the association, upon the grounds of the association, or near thereto, for the space of a quarter of a mile therefrom, are hereby prohibited, under a penalty of twenty-five dollars for each and every such offense, to be recovered by warrant before the police judge of the town of Richmond, or any justice of the peace of Madison county.

§ 2. That all cases of drunkenness, profane swearing, firing guns or pistols, betting, all gambling, or other disorderly conduct whatever, within the grounds of the association, or for the space of a quarter of a mile near thereto, happening on days of their fair or any exhibition of said association, are hereby prohibited under a penalty of twenty-five dollars for each and every such offense, to be recovered as provided in the section above.

§ 3. That all cock-fighting, dog-fighting, and bull-fighting, within the inclosure, or on the grounds of said association, are hereby prohibited, under a penalty of ten dollars for each and every such offense, to be recovered in the manner provided in section first of this amendment.

§ 4. That the president and board of directors of said association are hereby empowered to eject from their grounds or inclosure all disorderly, lewd, or obnoxious persons, whose presence they may deem detrimental to the interest of the association; and for this purpose they are hereby clothed with power to employ any sheriff or constable of Madison county, or marshal, or assistant marshal of the fair, to enforce the ejection; and any person returning to the grounds of the association after having been so ejected, or any person entering upon the grounds of the association after having been forbidden to enter on

the grounds by the president or any of the board of directors, shall, for each return or each entry, be liable to a fine of not less than ten nor more than one hundred dollars, at the discretion of the jury, to be recovered by warrant before the police judge of the town of Richmond, or any justice of the peace of Madison county.

1868.

§ 5. That the marshals and assistant marshals of the Madison County Joint Stock Agricultural and Mechanical Association, during the days of their fair or exhibition, shall have and possess all the powers of constables and sheriffs to make arrests for the violation of any criminal or penal law of this State, and to suppress breaches of the peace or disorderly conduct on the grounds of the association or near thereto on the days of such exhibitions: *Provided*, Said marshals and assistants shall take the oath of office required by law of constables before any justice of the peace of Madison county, and obtain from the justice a certificate thereof.

§ 6. That all the property of the Madison County Joint Stock Agricultural and Mechanical Association is hereby exempted from all taxation.

§ 7. This act shall take effect from and after its passage.

Approved February 29, 1868.

CHAPTER 646.

AN ACT for the benefit of the Clinton Circuit Court.

WHEREAS, In 1863 the Reports of the Decisions of the Court of Appeals, the Acts of the Legislature, and other books in the clerks' offices of the Clinton circuit and county courts, were burnt and destroyed; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State furnish to the clerk of the Clinton circuit court for his office the Reports of the Decisions of the Court of Appeals from 1807 to 1859, and the Debates of the Kentucky Constitutional Convention in 1849-50.

§ 2. That the Secretary of State be, and he is hereby, authorized to draw his warrant on the Auditor for the costs of said books, if a purchase has to be made.

§ 3. That this act take effect from its passage.

Approved February 29, 1868.

1868.

CHAPTER 647.

AN ACT to amend the Charter of the Flemingsburg and Mayslick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Flemingsburg and Mayslick turnpike road company be, and the same is hereby, so amended that the stockholders on that portion of the road from Mayslick to the point of intersection with the Elizaville and Helena turnpike road be, and they are hereby, permitted to organize under said original charter as a separate and independent company, under the name of the Mayslick and Elizaville turnpike road company; and with all the powers conferred by the aforesaid original charter, and with all necessary powers, rights, and privileges, to complete said turnpike road from Mayslick to Elizaville and Helena turnpike road; and when the same or two and one half miles of the same, shall be completed, said new organization shall have a right to erect a toll-gate, and charge for all travel on same according to the distance traveled on said road, at the rates fixed by the original charter.

§ 2. This act shall take effect from and after its passage.

Approved February 29, 1868.

CHAPTER 648.

AN ACT giving Hopkinsville the right to Subscribe Stock in Turnpikes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever one or more companies shall organize under this act of incorporation from the General Assembly, or under the provisions of chapter one hundred and three of the Revised Statutes, for the construction of one or more turnpike roads in Christian county, and shall show that, with the additional subscription of one thousand [dollars] per mile, the same can be completed, it shall be the duty of the trustees of the town of Hopkinsville, on petition of the president and directors of such turnpike road companies, to cause a vote to be taken of the qualified voters for trustees of the city of Hopkinsville, for not more than ten thousand dollars to any one road, with such provisos as the trustees of the city of Hopkinsville may elect, to come in as stockholders in such road or roads. The board of trustees shall cause thirty days' notice to be given to the qualified voters of the city, agreeable to the petition of the president and directors of such turnpike road company, of the holding of such election.

§ 2. If it shall appear that a majority of the voters voting at such election are in favor of subscribing five thousand dollars, or less amount, to such turnpike road company or companies, the president and board of trustees shall issue bonds of the city of Hopkinsville, with interest at not more than ten per cent., the bonds and interest to be made payable at such time and places as they may elect.

1868.

§ 3. The trustees shall assess and collect a sufficient tax to pay the interest on the bonds issued, on the taxable property of the city of Hopkinsville, and all dividends arising from such subscription shall go into the city treasury.

§ 4. At maturity of the bonds, the trustees shall have power to sell such turnpike stock and take up such bonds, or make such arrangement with the bond-holders as may be deemed to the best interest of [said] city.

§ 5. The trustees shall have the power to nominate one of their number as director in such turnpike company, but they shall have no vote in a stockholders' meeting for [the election of] officers.

§ 6. This act to apply as well to unfinished roads in the county.

Approved February 28, 1868.

CHAPTER 649.

AN ACT to continue in force an act for the benefit of J. S. Wyatt, late Sheriff of Montgomery County, approved February 17th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act for the benefit of J. S. Wyatt, late sheriff of Montgomery county, and approved on the 17th day of February, 1866, and which was to continue in force for two years, be, and the same is hereby, continued and to remain in full force and effect for the further time of two years from and after the passage of this act, together with all its provisions and penalties therein.

§ 2. This act to take effect from and after its passage.

Approved February 29, 1868.

1868.

CHAPTER 650.

AN ACT to incorporate the Louisville College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the literary institution heretofore established and conducted by the efforts and enterprise of Jacob Schenk and Benjamin M. Harney, in the city of Louisville, by the name of the "Louisville Literary Academy," shall hereafter be known by the title of the "Louisville College."

§ 2. The president and council of said college hereafter named shall consist of not more than fifteen nor less than nine persons; they shall be, and they are hereby, constituted and created a body-politic and corporate, in law and in fact, under the style and title of the President and Council of the Louisville College; and as such, shall be, and are hereby, invested with all powers and privileges of a corporation, for the permanent establishment of the said college, to promote the moral and literary education of males; they may have a corporate seal; may sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law and equity; they may receive and hold, in trust for the said institution, by purchase, devise, bequest, gift, or otherwise, any property or estate, real, personal, or mixed: *Provided*, The yearly income of said estate shall not exceed ten thousand dollars; they may, when in the judgment of the said board of council the interest of the college requires it, borrow money, and give liens to any amount not exceeding two thirds of the value of the property of said corporation; they may make by-laws, rules and regulations, not inconsistent with the Constitution and laws of this State and of the United States, for the government of said college, which by-laws shall be of the same force as if incorporated in this act.

§ 3. It shall be the duty of the board of council to watch over the college as its constitutional guardians; to advise with its president and faculty in relation to its government, the course of study, manner of teaching, the conferring of degrees, and whatever else may tend to the welfare of the institution and the interests of the students. It shall be their duty also to visit the college from time to time, and to attend its annual examinations. There shall be a stated annual meeting of the board of council on or before the day of the annual commencement of said college, due notice of which shall be given to each member of the board by the president of the college, or some member of the faculty, or mailed with proper directions at least ten days before each annual commencement day. The president of the college may call a special meeting of the board whenever, in the opinion of a majority of the faculty, the

interests require it. Five members shall constitute a quorum. If any member of the board be absent from three stated meetings thereof, the board shall have discretion to declare his place vacant, and elect a successor. The president of the college shall be *ex officio* the president of the board of council.

1868.

§ 4. The said corporation hereby created shall have and maintain a succession in the following manner, viz: In case of death, resignation, or removal of the president hereafter appointed, or in case of his otherwise ceasing to act and serve the institution as president thereof, his place shall be supplied by the board of council at any stated meeting, the successor assuming the relations and liabilities of his predecessor in office; and the board of council shall have power to supply any vacancy or vacancies that may occur, from time to time, in that body, at any stated meeting thereof.

§ 5. That Jacob Schenk be, and he is hereby, appointed president of said college, with Benjamin Harney vice president, and Rev. Dr. Platt, F. H. Hillman, Charles Muetze, Rev. J. H. Heywood, Bryan H. Allen, Frederick Vissman, Dr. Edward Caspari, Rev. Dr. Stuart Robinson, Dr. H. Kœhler, and W. B. Hoke, be, and they are hereby, constituted the board of council of said college. They shall meet at the college, or some other suitable place, on any day of the month of June before the annual commencement, or at an adjourned meeting as soon as may be thereafter. The board shall organize by election from among themselves a secretary and treasurer, the latter of whom shall give bond and security for the faithful performance of his duties, and may receive such compensation as the board may deem proper. Said organization, together with the acceptance of this act, shall be published in one or more of the principal newspapers published in the city of Louisville, on or before the day of June next.

§ 6. There shall be a faculty of said college, to be composed of the president and vice president aforesaid, and such professors and teachers as may be deemed expedient to employ. The faculty shall have the oversight, care, government, and instruction of the students; and, with the advice and concurrence of the board of council, may confer degrees and give diplomas, which shall be as valid as those conferred by any other college or university of this State or elsewhere.

§ 7. That said corporation shall have power to issue and sell bonds or other evidence of indebtedness, for the purpose of raising money to aid in the acquisition of college buildings and other necessary endowment or outfit, to the extent of two thirds the estimate value of any real estate and improvement thereon said corporation may have ac-

1868.

quired, or having acquired the realty, and have the building in the course of erection; the said bonds to have not more than fifteen years to run; to be secured by mortgage lien, which the said corporation may execute on such real estate and improvements, by authority of the board of council; and said bonds may bear a rate of interest not exceeding ten per centum per annum, payable semi-annually, at such place as said corporation may cause to be designated in such bonds or evidence of debt.

§ 8. This act to take effect from its passage.

Approved February 29, 1868.

CHAPTER 651.

AN ACT to amend an act, entitled "An act to incorporate the Presbyterian Female School of the City of Louisville," approved March 6, 1854.

WHEREAS, It is represented that the constitution and by-laws of the Presbyterian Female School of the city of Louisville have been lost and cannot be supplied by any existing secondary evidence, and that the terms of the officers have probably expired—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any number of the stockholders holding one hundred shares of the stock of said corporation, may call a meeting of the stockholders for the purpose of reorganizing the institution, and passing a new constitution and by-laws; but notice of said meeting, signed by the stockholders calling the same, shall be published one week daily, in two daily papers published in the city of Louisville, in the English language, at least thirty days before the day of meeting, and six times in the week preceding said day; and said meeting may proceed to adopt a new constitution and by-laws, which shall be valid and binding in all respects as if adopted pursuant to the provisions of the lost constitution.

§ 2. That any conveyance of real estate by said corporation shall be officially signed by its presiding officer, and have the seal of the corporation affixed thereto.

§ 3. This act to take effect from and after its passage.

Approved February 29, 1868.

CHAPTER 652.

1868.

AN ACT to incorporate the "Parkersville Institute," in Lyon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Parker, Robert Parker, Carroll Larkins, N. N. Rice, and James M. Early, and their successors in office, shall be, and the same are hereby, created a body politic and corporate, to be known by the name and style of the "Trustees of the Parkersville Institute;" and they shall have perpetual succession and a common seal, which they may alter whenever they may deem it best; and they may contract and be contracted with, sue and be sued, in any of the courts of this Commonwealth; and are authorized to hold, them and their successors, any lands, tenements, goods, chattels, and money, that shall be purchased, given, granted, or devised, for the use and benefit of said institute.

§ 2. Said trustees shall have power, whenever they so desire, to receive subscriptions or donations to said institute; and they shall have power at pleasure to establish all necessary by-laws, rules and regulations, not in contravention with the constitution of this State, nor with the constitution of the United States, for the government of said institute. The trustees shall have power to elect a president, treasurer, and secretary of their board, and the professors and tutors in said institute; and upon the death, resignation, or removal, of any of said professors or tutors, the vacancy thereby occasioned, shall be filled by the board, or a majority of them; and in like manner a vacancy in the board of trustees shall be filled. Said professors and trustees shall prescribe and regulate the course of studies to be pursued in said institute; and they shall have power to confer all the honors and degrees usually conferred by the best colleges in this State.

§ 3. This act to take effect from its passage.

Approved February 29, 1868.

CHAPTER 653.

AN ACT for the benefit of the Securities of John G. Pickens, deceased, late Sheriff of Clinton County.

WHEREAS, It is represented to this General Assembly that John G. Pickens, sheriff of Clinton county in the years 1859 and 1860, failed to pay into the State Treasury the revenue chargeable to him in said years, and that his securities, J. M. Elder, John Miller, G. W. Hopkins, and C. G. Beard, were compelled to pay considerable amounts of money for him, and that there is yet remaining uncollected, taxes due in said years; therefore,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, be allowed said securities to collect all arrearages of taxes due to said sheriff in the said years of 1859 and 1860; and that they shall have power to distrain for the same, subject to all the penalties of the laws governing the collection of taxes in this Commonwealth.

§ 2. This act to be in force from its passage.

Approved February 29, 1868.

CHAPTER 654.

AN ACT for the benefit of R. Carson.

WHEREAS, At the October term, 1867, of the Lincoln county court, it was, by said court, ordered that R. Carson, the clerk of said court, be allowed the sum of two hundred and thirty-eight dollars and fifty cents for making cross-indices to certain deed-books therein; and whereas, said court then supposed it was authorized by law to make said appropriation, when, in fact, such was not the case; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the order of said court herein recited be, and the same is hereby, declared to be legal and valid to all intents and purposes; and the judge of said court is hereby authorized to cause said Carson to be paid said sum out of any money belonging to said county not otherwise appropriated, by a written order therefor in his favor, or in any other mode he may deem best.

§ 2. This act shall be in force from its passage.

Approved February 29, 1868.

CHAPTER 655.

AN ACT to amend an act incorporating the Richmond and Big Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the next annual election, and thereafter, of a board of directors for said road, the stockholders shall elect a president and four directors, one of whom shall discharge the duties of treasurer by appointment by the board.

§ 2. All the provisions of the act of incorporation and amendments thereto, inconsistent with this act, are hereby repealed.

§ 3. That the board shall have all the powers to condemn and acquire title to land for toll-gate sites, and to obtain stone quarries for said road, that are granted to any other turnpike roads in this Commonwealth.

§ 4. Provided, that nothing herein contained shall prevent the vote of the county stock from being cast in the election of president and directors by the county judge or his proxy.

§ 5. This act shall be in force from and after its passage.

Approved February 29, 1868.

CHAPTER 656.

AN ACT to incorporate the Silver Creek, Walnut Meadow, and Big Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Silver Creek, Walnut Meadow, and Big Hill turnpike road company, for the purpose of making a macadamized, gravel, plank, or other artificial road, from a point on the Richmond and Paint Lick turnpike road, about one mile south of Caldwell Campbell's mill, on Silver creek.

§ 2. That Nathan Moran, James Hagan, James A. Moran, Samuel Campbell, jr., Malcom G. Lackey, Andrew K. Lackey, Jonathan J. Faris, Cyrus Fitzpatrick, Ed. H. Ballard, and J. Mat. Todd, be, and they are hereby, appointed commissioners to locate, contract for, and superintend the construction of said road, and they and their successors are made a body-corporate.

§ 3. All the provisions of an act, entitled "An act to incorporate the Richmond and Estill Turnpike Road Company," passed by the General Assembly of the Commonwealth of Kentucky, and approved March 1st, 1854, after the second section of said act, are referred to and made part of this act as fully as if again herein re-enacted, except the fifteenth, sixteenth, seventeenth, twentieth, twenty-first, and twenty-second paragraphs or sections of said act.

§ 4. The county judge of Madison shall appropriate out of funds of the county any sum or sums per mile on said road that a popular vote of the people of the county may authorize to be paid on any other turnpike road in the county.

1868.

§ 5. The sum or sums of money so appropriated shall be paid over to the treasurer of said company.

§ 6. The president and directors shall be elected annually by the stockholders, voting by shares of one hundred dollars per share, and continue in office till their successors are sworn in; any vacancy may be filled by the board of directors.

Approved February 29, 1868.

CHAPTER 657.

AN ACT to incorporate the Quirk's Run and Nevada Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and created a body politic and corporate, under the name and style of the Quirk's Run and Nevada turnpike road company, for the purpose of constructing a stone or gravel road from a point on the Danville and Perryville turnpike road, in Boyle county, near where said road crosses Quirk's Run, down said Run one mile or more; thence in a northwestern direction, following the present roadway as nearly as convenient, until it intersects the Harrodsburg and Perryville turnpike road at or near the town of Nevada, in Mercer county.

§ 2. The capital stock of said company shall be eight thousand dollars, to be divided into shares of twenty-five dollars each; but if said capital stock be found insufficient to complete said road, it may be increased, not exceeding the necessary and actual cost of construction and other useful or necessary outlays.

§ 3. That P. W. Harris, A. R. Gregory, of Boyle county, and T. L. Humble, A. P. Calbert, C. R. Gregory, of Mercer county, are hereby appointed commissioners to receive subscriptions to the capital stock of said company.

§ 4. That said commissioners, or such of them as may act, shall be authorized to procure, upon such terms and conditions as they may prescribe, from responsible persons or corporations, subscriptions to their capital stock, and such subscriptions shall be binding in law upon their respective subscribers; and that they be authorized to procure any assistance from the county courts of Boyle county and of Mercer county, or either of them, that said counties are now authorized by law to appropriate to building turnpike roads within their respective jurisdictions.

§ 5. That so soon as one hundred shares of stock shall be subscribed, it shall be the duty of the commissioners, or such of them as may act, to give such public notice as

they may deem reasonable and proper, that there will, at the time and place named by them, be a meeting of the stockholders for the purpose of electing a president, five directors, and such other officers as may be thought necessary to conduct the business of the company, who shall hold their offices for one year and until others are elected; and one vote shall be allowed for each share of stock owned by the voter, or for which he is bound.

1868.

§ 6. That, when said company shall be thus organized, it shall have perpetual succession, and all the privileges and franchises incident to a corporation for a similar object, in the same manner, and to the same extent, as are conferred on other turnpike road companies: *Provided*, That said company may establish one whole gate or two half gates on said road, at such place or places as it may deem proper; and for passing over the whole length of said road, said company may collect the same toll as if said road had been five miles in length; and for passing over shorter distances, the rates of toll may be in the same proportion.

§ 7. That said road shall be graded — feet in width, and its greatest elevation shall not exceed four degrees, and the part to be covered with stone or gravel shall be not less than — feet in width, and the depth of the stone or gravel shall not be less than — inches.

§ 8. This act to take effect from its passage.

Approved February 29, 1868.

CHAPTER 658.

AN ACT for the benefit of Edward Smith, of Larue County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the Public Treasury to Edward Smith, of Larue county, for carrying his son, a lunatic, to the Western Lunatic Asylum, in the year 1865, a distance of one hundred and fifty-four miles, and his expenses in going to and from the same, the sum of sixty dollars and ninety-four cents; and the Auditor is directed to draw his warrant on the Treasurer in favor of said Smith for the same.

§ 2. This act shall take effect from its passage.

Approved February 29, 1868.

1868.

CHAPTER 659.

AN ACT for the benefit of A. J. Booth, Sheriff of Bourbon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the first day of May next, is given to A. J. Booth, sheriff of Bourbon county, to return his delinquent list.

§ 2. This act shall be in force from its passage.

Approved February 29, 1868.

CHAPTER 660.

AN ACT to amend an act, entitled "An act to incorporate Cadiz Lodge, No. 159, Independent Order of Odd Fellows," approved February 16, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to incorporate Cadiz Lodge, No. 159, Independent Order of Odd Fellows," approved February 16, 1867, be, and the same is hereby, so amended, that all appearing after the words "General Assembly," be stricken out.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 661.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Furniture Manufacturing Company," approved May 20, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Louisville Furniture Manufacturing Company," approved May 20, 1865, be, and the same is hereby, so amended, as to authorize and empower said corporation, by its president and directors, to issue and sell not exceeding fifty thousand dollars of stock in said company, in preferred shares of one hundred dollars each, bearing not exceeding ten per cent. per annum interest, payable semi-annually, and use the proceeds of sale in paying the debts of said company, and as a working fund for the business and use of said company.

§ 2. And said corporation may, by its said president and directors, borrow money, but not in excess of its capital stock subscribed; and may secure the same by mortgage on its real or personal property, or pledge of stocks or bonds, or otherwise, and on such time, and at such rate of interest, not exceeding ten per cent. per annum, as said

president and directors, or a majority thereof, may deem expedient.

1868.

§ 3. The shares shall be personal estate, and transferable on the books of the corporation according to its by-laws; but the corporation shall hold a lien on the shares of any stockholder who may be indebted to it, or in any manner liable to said corporation, either immediately or remotely, as principal or surety, drawer or indorser; and such shares shall not be transferred without the consent of the president and directors, until such debt shall have been paid or discharged; and said corporation may, upon giving to the party interested ten days' notice in writing, or by advertising, of the time and place of any such sale, sell the same in such manner and on such terms as the president and directors may deem expedient. Said corporation, by its president and directors, shall also prescribe what failure shall authorize a forfeiture of the stock subscribed for.

§ 4. If, for any cause, the annual election of directors should not be held on the day mentioned in section four of the act to which this is an amendment, the board shall order the election to be held on some other day, of which special election notice shall be given, the president and directors holding over till their successors are elected and organized.

§ 5. This act to take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 664.

AN ACT to create an additional Justices' District and Voting Precinct in McLean County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional justices' district and voting precinct be, and is hereby, established in McLean county, to include all persons residing in the following boundary: Beginning on the south bank of Green river, at the mouth of Basin branch, and running thence south to Cypress creek, near Bates' knob, and thence up Cypress creek to the county line; and thence with said line to Green river, and down said river to the beginning. The place of voting in said district to be at Kincheloe's chapel.

§ 2. That general and special elections shall be held in said district, officers elected and vacancies filled in said district, as now provided for by the general laws of the Commonwealth.

1868.

§ 3. The county judge shall have power to change or alter the boundary of said district as now provided by law; and on the application of a majority of the voters of said district, by petition or otherwise, change the place of voting.

§ 4. That it shall be the duty of the Secretary of State to furnish the two justices of the peace to be elected in the district created by this act with the proper books and acts of the General Assembly immediately after their election.

§ 5. That this act to take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 665.

AN ACT to amend an act, entitled "An act to reduce into one the several acts concerning the Town of Lagrange."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to reduce into one the several acts concerning the town of Lagrange," approved February 19th, 1849, be, and the same is hereby, amended as follows: That so much of the county of Oldham as is embraced by the calls of the deed executed on the 21st day of May, 1827, by William Taylor to James Head and others, as trustees of the town of Lagrange, and also the lots laid off by Wm. T. Barbour, sr., on the right hand side of the road leading from said town eastwardly, and also so much of said county as is embraced by extending Washington street in said town in an easterly direction, viz: North seventy degrees, east seventy poles, to the west line of the lot of land purchased by D. C. Woods from W. G. Taylor, on the 19th day of May, 1866; thence with said line, and with Dr. B. Will's line, north twenty degrees, west ninety poles, to a stone; thence south seventy degrees, west one hundred and forty-nine poles, to a stone; and thence south twenty degrees east to West street, together with the inhabitants thereof, be, and the same shall hereafter be, known as "The Town of Lagrange."

§ 2. That section thirty-first of the act to which this is an amendment be, and is hereby, amended, so as to authorize and empower the trustees of said town to levy a tax not exceeding twenty dollars on any and every description of show, exhibition, or entertainment for the public, to which admittance is obtained by the payment of money, exhibited in or within a half mile of said town.

§ 3. That there shall be elected at the same time in 1868, and in every year thereafter, as is fixed by law for the elec-

1868.

tion of trustees of said town, and in the same manner, and by the same voters, a police judge, who shall hold his court at the court-house in said town, which court shall be open at all times (Sundays excepted) for the transaction of business or trial of causes. Said police judge shall receive the same fees in all cases as are now allowed by law in similar cases to justices of the peace; he shall have the same jurisdiction and all the powers of a justice in penal and criminal proceedings in a court of inquiry in such proceedings, and is empowered to issue final process as in cases of breaches of the peace in all cases of fines, forfeitures, and penalties arising from any infraction of the by-laws, ordinances, or orders passed by the board of trustees; and the officer acting therein is required to execute the same in the same manner as in such cases; said police judge is hereby vested with all the powers said act to which this is an amendment vests in any justice of the peace for Oldham county within limits of said town.

§ 4. The police judge shall hold his office for the term of one year, and until his successor shall have been duly elected and qualified. Any vacancy occurring in said office during the term thereof, by death, resignation, or otherwise, shall be filled by the board of trustees at any of their meetings, and the person so appointed shall have the same powers, perform the same duties, and continue in office the same length of time, with the trustees by whom he was appointed.

§ 5. No person under the age of twenty-one years, and who is not a resident of the town, shall be qualified to act as police judge.

§ 6. All fines, forfeitures, and penalties, arising from an infraction of any by-law, ordinance, or order of the trustees, shall enure to and be for the benefit of the town of Lagrange, and when collected, shall be paid over to the town treasurer.

§ 7. That all laws of a general or local character in conflict with this act shall be construed as not extending to the town of Lagrange.

§ 8. This act shall be in force from its passage.

Approved March 3, 1868.

CHAPTER 666.

AN ACT for the benefit of William Rader, Sheriff of Jackson County.

WHEREAS, William Rader, sheriff of Jackson county, was ordered by the court to convey a pauper lunatic to the Lunatic Asylum at Hopkinsville, a distance of three hundred miles, and was allowed one guard by the court, and said Rader took and delivered said lunatic at

1868.

the Asylum, and said lunatic was received, and, under the construction of the statute, there was nothing allowed him for said guard, and Wm. Rader paid the expenses of the guard with his own money, being fifty-five dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is directed to draw his warrant on the Treasurer in favor of said William Rader for the sum of fifty-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Approved March 3, 1868.

CHAPTER 667.

AN ACT for the benefit of Woodson Firquire, of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Adair county, at its court of claims, may, at its discretion, allow not exceeding the sum of (\$50) fifty dollars per annum to Woodson Firquire, a citizen of said county, for keeping and maintaining his blind daughter, a pauper; the above sum to be paid out of the county levy.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 668.

AN ACT for the benefit of D. C. Miller, of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Adair county, at its court of claims, may, at its discretion, allow to D. C. Miller the sum of fifty dollars (\$50) per annum, to be paid out of the county levy of said county, to compensate said Miller for keeping and maintaining his son, Dudley W. Miller, a maimed pauper.

§ 2. That this act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 669.

1868.

AN ACT for the benefit of William Board, of Caldwell County.

WHEREAS. On account of sickness of the teacher of the common school for school district No. 54, in Caldwell county, for the year 1866, that only two months of the school was taught in 1866, and one month in 1867; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is authorized and directed to pay to the common school commissioner of Caldwell county the *pro rata* amount for one month of the common school in district No. 54, Caldwell county, for the year 1866; and that said commissioner is directed to pay the sum thus received to Wm. Board, teacher of common school in said district for 1866.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 670.

AN ACT to incorporate the Louisville Ladies' Widows and Orphans' Home Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hannah Nathan, president, Hannah Sachs vice president, Julia Kraemer, secretary, Clara Bach, treasurer, Nathan Bloom, S. Bach, John Streng, Rev. Dr. Kleeberg, and M. Nathan, their associates and successors, be, and are hereby, created a body-politic and corporate, under the name of Louisville Ladies' Widows and Orphans' Home Society; and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued; to have a corporate seal, and the same to alter or renew at pleasure; and to make and execute such by-laws, rules and regulations, for the government of said society, and for the prudent and efficient management of its affairs, as may be deemed expedient and proper: *Provided*, Same are not inconsistent with the laws of this State or of the United States.

§ 2. It shall be the object of this society to procure and provide a home for poor Jewish widows and orphans, and to give assistance toward supporting poor homeless sick persons of the Jewish faith.

§ 3. The officers of this society shall consist of a president, vice president, secretary, cashier, five trustees, who shall constitute a board for the government of the same, and shall be elected annually according to the by-laws of the society.

1868.

§ 4. Said society is hereby authorized and empowered to acquire and hold, by purchase, devise, gift, grant, or otherwise, real estate to the value of not more than twenty thousand dollars, beside the lot and buildings necessary to carry out the purposes of the widows and orphans' home, and personal property, beside the furniture and outfit of said widows and orphans' home, not exceeding fifty thousand dollars.

§ 5. The General Assembly reserves the right to alter, amend, or repeal this act at any time hereafter, provided no vested right is thereby impaired.

§ 6. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 671.

AN ACT to incorporate St. James' Church, Pewee Valley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. Theodore Vennigerholtz, E. F. Gallagher, John Barbee, Edwin Bryant, J. B. O'Bannon, E. Kirby Smith, J. H. Maxwell, W. H. Dulaney, and W. D. Gallagher, the present wardens and vestry of St. James' Church, Pewee, and their successors in office, be, and they are hereby, created a body politic and corporate, by the name of the Wardens and Vestry of St. James' Church, Pewee, organized according to the constitution and canons of the Protestant Episcopal Church of the United States of America, and under the immediate jurisdiction of the Diocese of Kentucky; and by said name they shall have perpetual succession, and be capable in law, as natural persons, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this Commonwealth or elsewhere; and shall have the power to contract and be contracted with; and they may make and have a common seal, and the same may break and alter at pleasure. And they have power to receive and hold the rights, titles, privileges, and immunities of the said church, which now do, may, or shall hereafter belong to the same; also, to buy and hold any lot or lots, and receive conveyance therefor; and they may hold property, real, personal, or mixed; and any real estate or other property which may have been heretofore donated to said church, or purchased by the trustees of said church, or by other persons, for the use of the same, or which may be hereafter acquired, given, or devised to them to the use of said church, shall pass to them and their successors in office forever, subject, however, to such limitations or restrictions as may be imposed by the grantors of such

property (said wardens and vestry to be elected annually, according to the constitution and canons of the Protestant Episcopal Church); shall have power, by resolution or by-law, to increase or decrease their own number; and they shall have power to pass such by-laws relative to the control of said church, and of any grave yard or other property they are authorized by the provisions of this act to take and hold, as they may think proper and necessary, not inconsistent with the rules and discipline of the Protestant Episcopal Church in the United States and the constitution and laws of this State and of the United States.

1868.

§ 2. And the entire management of the affairs and concerns of said church and corporation, and all the corporate powers hereby granted shall be, and are hereby, vested in said wardens and vestry, and they may provide for the filling up of vacancies which may occur from the death, resignation, or removal of any of their number; and they may provide by by-laws for the election of the officers of said corporation, and prescribe the duties and powers of such officers, and the term of their offices, and the power to rent out or to sell the pews of said church, subject to a quarterly or annual tax, and to enforce the payment thereof as well as the tax or rent of pews; they shall have the power to confiscate or sell, at their option, for the use of said church and corporation, any pew on which the price, tax, or rent remains unpaid for six months, provided the same is consistent with the terms of sale or lease.

§ 3. And the said corporation may hold land for a graveyard, which, when set apart for that purpose, shall be held solely and exclusively as a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used for any other purpose whatever. The church, grounds, fixtures, shrubbery, and everything growing therein, shall be forever exempt from taxation; and the said wardens and vestry shall have no power to charge said grounds with any debt, by mortgage or otherwise; and such charge, if created, shall be void; nor shall such grounds, or any part thereof, ever be subject to sale by virtue of mortgage, judgment, execution, or decree, for any cause whatever: *Provided*, Nothing in this section shall be taken to prevent said corporation from selling lots to persons to be used as a burial place for their dead. No road or other passway shall ever be opened through said grounds without consent of said wardens and vestry, and shall not, in any event, pass over, or interfere in any way with, any lot which may have been sold by said wardens and vestry for burial purposes.

§ 4. Said wardens and vestry shall have power to appoint such officers for the cemetery as they may deem

1868.

proper, regulate their terms of office, and require bonds of them, or either of them, for the faithful discharge of their duties; they shall keep a regular record of their proceedings, and of all sales or transfers of burial lots, and of all disbursements, and shall prepare and keep an accurate map and survey of the grounds and lots. They shall have power to divide the cemetery into lots, and to sell such lots for burial purposes, and to make by-laws for the regulation of the sale of such lots, and for the control, care, and management of the grounds and graves, and the mode of ornamenting the same, and to establish rules in relation to the interment of bodies, and to make such other by-laws and regulations as may be necessary for the purposes of the corporation. They shall have power to enter upon any of the lots, and remove any ornaments, fixtures, or shrubbery that may be placed upon said lots against the by-laws or regulations of said corporation.

§ 5. The title to lots held by individuals shall pass by sale, devise, or descent, as in case of other real estate, but they shall never be used for any other purpose than burial lots, and if attempted to be applied to any other purpose, the title shall revert to the corporation.

§ 6. The proceeds of the sale of lots shall be applied, for all time to come, to the ornament and improvement of the grounds, the erection of the necessary buildings and inclosures, the payment of its incidental expenses, and the purchase of additional grounds, if more be deemed necessary.

§ 7. Any person who shall trespass upon the grounds, buildings, fences, inclosures, shrubbery, improvements, or appurtenances of said corporation, shall, in addition to being liable for the injury done, be subject to a fine of not less than five or more than fifty dollars; and for a violation of any provision of this act, or of the by-laws made under it, suit may be prosecuted in the name of the Wardens and Vestry of said church, before any court which properly has jurisdiction in such matters; and all damages, fines, or penalties recovered or assessed, shall be for the benefit of said corporation.

§ 8. This act to take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 672.

1868.

AN ACT to incorporate the Broadway Methodist Episcopal Church South, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the "Broadway Methodist Episcopal Church South, of Louisville," is created and made a body corporate and politic, under the name and style of the "Broadway Methodist Episcopal Church South, of Louisville;" and may, in its corporate name, sue and be sued, plead and be impleaded, in all courts within this Commonwealth and elsewhere; and may, without seal, contract and be contracted with, and by deed, or otherwise, receive, hold, convey, purchase, and sell real and personal estate, not exceeding in value one hundred and fifty thousand dollars, for the purpose of building churches for religious worship, and parsonages for ministers and preachers of said church, in addition to the building now erected on Broadway street, in said city of Louisville. The said corporation shall have all the necessary power to carry out said objects, and may receive grants and donations, by deed or otherwise, for the purposes aforesaid; and may borrow money for said purposes, or to pay the present or any future indebtedness of said church, and secure the same by mortgage on the corporation property, or any part of it, or may do so on the bond or bonds, note or notes, of said corporation, payable at such time as may be agreed on by the party loaning the money, or may execute such notes or bonds for any present or future indebtedness of said church; and may pay, or agree to pay, interest on any such loan, notes, or bonds, at a rate not exceeding ten per centum per annum.

§ 2. The fiscal and prudential affairs and business of said corporation shall be under the management and control of five trustees, who shall be white male members of said church or society, and of good standing therein, who shall reside in Louisville or Jefferson county. The said trustees shall hold their office during the time they are members in good standing in said church or society, and reside within said city or county, unless they shall refuse or neglect to act or attend to the business confided to them; and in case of a vacancy in said board of trustees from any cause, the remaining trustees shall fill such vacancy by the election of some qualified person; ceasing to be a member in good standing in said society, or removing from Jefferson county, or refusing or neglecting to attend to the duties of said office, shall vacate said office on the part of any of said trustees. In case of a vacancy, and a failure of the remaining trustees to fill it within sixty days after it takes place, the Leaders' meeting—at a meeting publicly called for the purpose—of said society, may

1868. elect a trustee to fill such vacancy, who is a member of the church, and qualified to hold said office of trustee

§ 3. That nothing in this act shall be construed, or is intended, to lessen or impair the rights and privileges of the ministers and preachers, and other official members of the said church, and members and congregation, from meeting and worshipping or preaching in the church buildings, as authorized or permitted by the discipline of the Methodist Episcopal Church South; and all the rights and privileges now secured by said discipline shall be enjoyed by ministers, preachers, official members, lay-members and congregations; and it shall be the duty of the said board of trustees to have the charge, control, care, and management of said real and personal estate of said church or society, subject to the restriction named in this section for the purposes aforesaid; but the church buildings shall not be used for any other purposes than religious worship, Sunday-schools, or other objects conducive to morality.

§ 4. That Samuel K. Richardson, R. C. Holland, Thomas Jefferson, Thomas Shanks, and J. S. Lithgow, shall be the first board of trustees of said corporation, and shall continue in office until their office shall be vacated by death, resignation, or as provided in the second section; and they and their successors in office shall possess the powers herein granted to said board of trustees.

§ 5. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 673.

AN ACT to incorporate the Louisville Annual Conference of the Methodist Episcopal Church, South.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of the Louisville Annual Conference of the Methodist Episcopal Church, South, are hereby created a body-corporate and politic, with perpetual succession, under the name and style of the Louisville Annual Conference of the Methodist Episcopal Church South; and by said name they may contract and be contracted with, may sue and be sued, plead and be impleaded, in any court or courts of this Commonwealth; and may exercise all the franchises, rights and privileges, common to corporations, for religious, educational, or charitable purposes generally; they shall have the right and power to acquire property, whether by purchase, gift, or last will and testament; and the same to hold, use, and enjoy, or to exchange, sell, or otherwise dispose of, as they may deem proper.

§ 2. They shall have power to elect such officers for the management of the affairs of the corporation as they may deem proper, and to prescribe the duties and responsibilities of such officers.

1868.

§ 3. They shall have power to require bonds, with approved security, from their officers or other persons who may be intrusted with the management or control of any of the property or funds of the corporation.

§ 4. They shall have power to make by-laws, and the same to change or alter at pleasure: *Provided*, They are not contrary to the constitution and laws of this State, or constitution and laws of the United States.

§ 5. They may act with or without a corporate seal.

§ 6. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 674.

AN ACT to incorporate McRay Institute, in Whitesville, Daviess County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William S. McMahan, George Matingly, B. F. Ramsay, James C. Miller, William R. Knox, Frank M. Daily, Walter Ward, John W. Mosbey, and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name and style of the trustees of the McRay Whitesville Institute; and as such they and their successors in office may acquire, by purchase or otherwise, and hold real estate and personal property, and dispose of the same, by sale or otherwise; may make contracts, sue and be sued, plead and be impleaded; and have and use a common seal, and change the same at pleasure; and also to make such rules, by-laws and ordinances, as may be necessary for the good government of said corporation, not inconsistent with the constitution and laws of the State and of the United States. They may open books for subscription for stock in the said institute, and issue certificates therefor in shares of twenty-five dollars each, at such times as they may think proper; and when two thousand dollars is subscribed or secured by good promissory notes, or less if not required, the trustees named in this act shall call a meeting of the stockholders, and shall hold an election for a president, vice president, and secretary, five trustees, all of whom shall be stockholders, who shall hold their office for one year, or until their successors are duly elected and qualified; and an annual election of trustees shall thereafter be provided for by the by-laws: *Provided*, That if no such annual election should for any reason be held, the holders of one third of the stock then

1868.

issued may call a meeting of the stockholders, and proceed to elect trustees, who shall hold their offices for one year from the time at which such annual election should have been held.

§ 2. The moneys received for subscription for stock and donations made to said corporation shall be used and employed in founding, building, and maintaining an institution of learning in or near the town of Whitesville, in the county of Daviess, in this State, to be called and styled the McRay Institute.

§ 3. The trustees named in this act, and their successors, shall elect one of their number president, one vice president, one secretary; and the president and a majority of the board may, from time to time, make and change the by-laws, and appoint such agents and teachers as they may choose to employ, from time to time, and make such contracts with them as they may think proper. They may also fill, until the next election of trustees, any vacancies that may occur in the board of officers by death, removal from the county, or otherwise.

§ 4. The trustees may, from time to time, receive subscription for stock, and issue certificates therefor, in shares as above provided for; and in each election of officers, each share of stock shall entitle the holder thereof to one vote for each of the officers to be elected; and such vote shall be given by the holder, or by written proxy; and none but stockholders residing in said county shall be voted for, or eligible to the office of trustee.

§ 5. That this act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 675.

AN ACT to repeal an act, entitled "An act to amend the Charter of the City of Louisville," approved October 1, 1861.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act referred to in the title hereof be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 676.

1868.

AN ACT to amend the Charter of the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Newport be, and are hereby, empowered, for one year, to levy and collect a special tax, not to exceed thirteen cents on the hundred dollars' valuation of the taxable property of the city, for the sole use and benefit of the fire department, and to be applied to the purchase of a suitable steam fire engine, apparatus, and horses for the same, and building fire cisterns; said tax shall be levied and collected at the same time and in the same manner that the annual revenue taxes of the city are levied and collected, and shall be in addition thereto.

§ 2 Said city council are further authorized and empowered, after said steam fire engine or engines, apparatus, and horses have been purchased and procured, to levy and collect an annual tax, not to exceed ten cents on the hundred dollars' valuation of the taxable property of the city, to be applied to the sole and exclusive purpose of sustaining and operating the same; said tax shall be levied and collected at the same time and in the same manner that the annual revenue taxes of the city are levied and collected, and shall be in addition thereto: *Provided, however,* That the city council shall not levy or collect a tax exceeding one dollar and twenty-five cents on the one hundred dollars' valuation of the taxable property of said city for any one year.

§ 3. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 677.

AN ACT to authorize the City of Newport to subscribe stock in certain Railroads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Newport, in Campbell county, is hereby authorized to subscribe stock, not exceeding one hundred thousand dollars, in any railroad company, the terminus of whose road may be located in said city, and to issue bonds, and sell or hypothecate the same in payment of such subscription, and to levy and collect taxes as the general taxes of said city are levied and collected, for the payment of the principal and interest of such bonds.

§ 2. This act shall take effect from its passage.

Approved March 3, 1868.

1868.

CHAPTER 678.

AN ACT to change the Boundary Line between the Murphysville and Mayslick Precincts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the Murphysville and Mayslick precincts is so changed as to leave the residences of Benjamin Warder, Jesse Jefferson, David Caldwell, and John Bannon in the Mayslick precinct, and hereafter it shall be their voting place at all elections.

§ 2. This act to take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 679.

AN ACT to change the Place of Voting in the Sixth District of Fayette County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting in the sixth district of Fayette county hereafter be on the grounds of East Hickman Church.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 680.

AN ACT for the benefit of H. S. Johnson, of Larue County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the Public Treasury to H. S. Johnson, of Larue county, for expenses and mileage in traveling to and from the Western Lunatic Asylum, a distance of one hundred and fifty-four miles, as a guard assisting to carry Dudley Elliott, a lunatic, to said Asylum, in the month of December, 1867, the sum of fifty-two dollars and sixty-four cents; and the Auditor is directed to draw his warrant on the Treasurer in favor of said Johnson for the same.

§ 2. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 682.

1868.

AN ACT to incorporate the Clark and Madison Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Leonard Beall, Gilkerson Rippey, Leland Hathaway, Simpson W. Brock, John Brock, John Martin, Nicholas Gravett, P. J. Conkwright, John W. Tuttle, Jas. T. Lockman, John G. Adams, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name and style of the Clark and Madison turnpike company; and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all the courts and places in this Commonwealth; to have and use a common seal, and break, alter, or change the same at pleasure; and do all acts which such bodies corporate may do, not inconsistent with the general law of the State or forbidden thereby, and which may be necessary or fit to enable said corporation to execute the powers hereinafter granted.

§ 2. That said corporation is hereby authorized to construct a turnpike or macadamized road from Winchester, Kentucky, to such point, at or near the mouth of Red river, as may be determined on as the terminus of said road by the directors of said company after its organization.

§ 3. The capital stock of said company shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each.

§ 4. The books of said company may be opened for the subscription of stock by any of the corporators above named; and as soon as two thousand dollars of stock are subscribed, the stockholders may proceed to organize said company by electing a president and four directors; but said election shall be advertised at least ten days, by printed or written notices of the time and place of holding said election. Said officers shall hold their offices for one year, or until their successors are elected and qualified. An election shall be held annually for officers of said company, at such time as may be fixed by the board of directors. The president shall have power to appoint a treasurer, and may remove him at pleasure, and shall require of him a bond, with good security, conditioned for the faithful discharge of his duties.

§ 5. Said company may charge, upon their road, such tolls as the directors may determine upon, not exceeding, however, the rates allowed by the Revised Statutes; and may erect a gate and take tolls as soon as five miles of said road are completed.

1868.

§ 6. The Clark county court shall have power, a majority of the justices thereof concurring, to subscribe for as much stock in said company as will suffice, when added to the amount of stock subscribed by individuals, to complete said road, provided said subscription does not exceed fifteen hundred dollars per mile; and for the purpose of paying such subscription, said court is authorized and empowered to levy and assess a tax on all the property and estate in said county subject to taxation for State revenue.

§ 7. That sections seven, eight, nine, ten, of an act, entitled "An act to incorporate the Bedford and Milton Turnpike Road Company," approved February 7th, 1868, be, and the same are hereby, enacted as a part of this act, so far as they are applicable and not inconsistent with its provisions.

§ 8. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 683.

AN ACT to incorporate the Concord and Tollsboro Turnpike Road Company, and to levy a tax to aid in building said road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert D. Taylor, Robert B. Lovel, John Lovel, John M. Myers, and Jesse Markland, and their associates and successors, are created a body corporate and politic, under the name and style of the "Concord and Tollsboro Turnpike Road Company." The capital stock shall be fifty thousand dollars, which may be increased to any sum necessary to build the turnpike road contemplated by said company, not exceeding one hundred thousand dollars; each share of stock shall be twenty-five dollars; said company shall have power to sue and be sued, contract and be contracted with, hold, enjoy, possess, sell, convey, and dispose of real and personal estate, not exceeding the sum of one hundred thousand dollars.

§ 2. The officers of said company shall consist of a president, secretary, treasurer, three directors, and such other officers and agents as said company, by its by-laws, shall provide for. The president, secretary, treasurer, and directors shall be chosen annually by the stockholders, in such manner as said company shall provide for by its by-laws. Said officers shall hold their offices until their successors are elected and enter upon the discharge of their duties.

§ 3. The company may, by appropriate proceedings, cause to be condemned, for the use of said road, the right

of way, sites for toll-gates, residence of the keeper, and for such other purposes as said company may need land for the use of said road. They may also, in like manner, condemn stone-quarries, gravel-beds, and all necessary and proper materials to build and keep in repair said road, and all bridges on the same. Said turnpike road shall commence at the town of Concord, and run from there the most practicable route to Tollsboro, to be located by the said company, or commissioners appointed by them for that purpose; and when said road is finished a distance of two and a half miles, said company are authorized to erect a toll-gate, and charge half fare for using and traveling over said road.

1868.

§ 4. That R. D. Taylor, R. B. Lovel, and Wm. H. Thompson, any one or more of whom may act, are hereby appointed commissioners to receive subscriptions of stock to said turnpike road company, at such times and places as said commissioners may, from time to time, deem expedient; that such of said commissioners as shall act shall procure one or more books, and the subscribers for stock shall sign the following obligation, to-wit: We, whose names are hereunto subscribed, do promise to the Concord and Tollsboro turnpike road company the sum of \$25 for each share set opposite our names, in such proportions and at such times as shall be determined by the president and directors of said company.

§ 5. So soon as five thousand dollars is subscribed in stock to said company; it shall be the duty of said commissioners, or those that act, to give notice to those who have subscribed stock to said company on their books, of a meeting of the stockholders at Concord, for the purpose of choosing the officers of said company. Each stockholder shall be entitled to one vote for each share of stock owned by them.

§ 6. That so soon as the officers are elected and the company organized, said company shall possess all the powers, authority, rights and privileges, and may do all acts and things necessary to enable the said company to build said turnpike road, erection of gates, collection of tolls, appointing all necessary engineers, surveyors, and agents, as shall be necessary for the building and successful use, occupation, and operating of said road, and for keeping the same in repair.

§ 7. That the fifth, sixth, seventh, eighth, ninth, eleventh, twelfth, thirteenth, fourteenth, eighteenth, twentieth, twenty-first, and twenty-sixth sections of "An act to incorporate the Vanceburg, Salt Lick, Tollsboro, and Maysville turnpike road company," approved February 13th, 1867, (Session Acts of adjourned session of 1867, vol. 1, pages

1868. 363 to 370), are hereby adopted and re-enacted as part of this act.

§ 8. That to enable said company to build their road as speedily as possible, and equalize the burthens thereof, there is hereby levied on all real estate within one mile of said turnpike road (at the beginning and on each side of said road, as the same shall be located) an *ad valorem* tax of one dollar on each one hundred dollars' worth subject to taxation for State revenue; said tax to be levied and collected each year, until said turnpike road is finished from Concord, in Lewis county, to Tollsboro, in the same county, and all necessary bridges and toll-gates erected thereon.

§ 9. The county court of Lewis county shall appoint three commissioners to assess the real estate and fix a value thereon (or he may require the assessor of said county to make said assessment); said assessment shall be returned to the May or June term of said county court in each year, and said county court shall list said tax list with the sheriff of Lewis county for collection; and said sheriff shall receive and collect said taxes, and pay the same over to the president of said turnpike road company, on or before the first day of December in each year; for any default of said sheriff under this act, he and his sureties shall be liable to suit or suits on his official bond as sheriff; said suit or suits shall be brought in the name of the president of said Concord and Tollsboro turnpike road company, for the use of said company, in the Lewis circuit court; said company shall recover in said suits the amount of taxes collected by said sheriff, or which he might have collected by due diligence, with the same interest, costs, and damages, now allowed by law against sheriffs for failing to collect and pay over the county levy.

§ 10. The tax-payers who pay taxes under this act toward building said turnpike road shall be stockholders in said turnpike road company for the amount of taxes they pay.

§ 11. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 684.

AN ACT to incorporate the Paducah and North Ballard Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate powers. § 1. That a company is hereby incorporated and created a body-politic, with perpetual succession; and by the aforesaid name may contract and be contracted with, sue and be sued, answer and be answered, &c.; with power to

1868.

acquire, hold, use, and possess all such real and personal estate as may be necessary or convenient to construct a road from Paducah to Woodville, with power to branch to Hinkleville; and said company may make and ordain all such rules and by-laws as may be proper for the construction of or repair of said road, and the management of its prudential and financial concerns.

§ 2. That the width of said road shall not be less than sixty feet at any point, and the artificial part of gravel, stone, or plank, shall be fixed by the directors, as also the grade of said road; and said company shall have the right to construct bridges over the different creeks crossing said road, and charge toll at same, not exceeding rates fixed by law, if they deem it right and proper, until said tolls shall amount to a sufficient sum to pay for said bridges.

Grade & width of road.

May construct bridges.

§ 3. After four miles of said road shall be completed, said directors may establish a toll-gate at such point as they may deem right, and apply the tolls to the prosecuting of the work, and keeping said road in order; and may, after next four miles are completed, establish another, and so on, to the end of said road; and all proceeds shall be applied to purposes aforesaid. At all of said gates the rates shall be prescribed by the directors, not to exceed rates fixed by Revised Statutes.

When may erect gates.

§ 4. The president and directors, or their engineer, shall have the right to enter upon any lands, and survey out said road, and examine any gravel pits or timber necessary for construction and repair of same, on any lands near said road or adjoining same; and if no satisfactory agreement can be made with owner for same, the president and directors, or a majority of them, may, by order, apply to the circuit court clerk of the county where the land lies upon which the gravel is situated, or timber, or the part of the road in regard to which the right of way is refused, whose duty it shall be to issue a writ of *ad quod damnum* to assess the damages which any such dissatisfied owner of any such land, gravel beds, or timber, shall sustain. And the jury shall take into consideration, in assessing the damages, the advantages and disadvantages of said road; said writ shall be directed to the sheriff of said county, or any constable of same, and he shall, in five days after the writ, summon a jury of twelve men, qualified under the law as petit jurymen in civil suits, and each party shall have three challenges peremptory; said officer shall swear the jury after the twelve are selected by the parties as they are directed to be sworn in other cases of writs of *ad quod damnum*, and shall return the writ to the circuit court clerk, with the verdict of the jury; and the said company, upon payment of the sum fixed in the verdict to the party claimant, his agent or attorney, or if he has no agent, by

May enter upon lands.

Writ of *ad quod damnum* may issue, and proceedings thereunder.

1868.

paying it to the clerk of said court for the claimant, or by tendering it to either of said parties, shall be vested with the right of way; and to control and use all gravel beds and timber so condemned as aforesaid. In constructing said road, and keeping same in repair, either party may, within two days after the return of the writ, file exceptions as to the error in the amount assessed, and the clerk shall docket said exceptions as other cases, and it shall be tried as other cases at common law; but the said company shall, in the meantime, not be hindered in the prosecution of their work by the pendency of the exceptions after a tender, but may proceed and have all the rights to the same extent as if said sum had been accepted. The party who fails in sustaining his exception shall pay the costs, for which execution shall issue as in other cases; but the road shall pay the costs incurred on the trial of the original writ in the county. Rule laid down in Revised Statutes in regard to the selection and qualification of jurymen, in section seven, chapter eighty-four, article one, shall apply in all cases arising under this act.

Gates may be
erected across
said road;

§ 5. Should it be necessary to prosecute the work on said road during the cropping season, and the owners of inclosed lands be embarrassed for want of labor or time to make additional fencing made necessary by the running of said road through their inclosures, then it shall be the duty of said president and directors to permit gates to be put up by such persons, which shall not remain for more than twelve months from [the] time they are erected.

Commissioners
to open books.

§ 6. John Cowell, of McCracken county; Judge Flournoy, Wm. Brown, Wm. F. Norton, James Calhoun, Peter Allen, Needham Stanly, Geo. Ratcliffe, John W. Ogilvie, of said county; Dr. Shivel, Dr. E. Woodson, W. H. Reeves, Thomas Wyatt, Coleman Derret, Solomon C. Vaughn, Dr. Chas. Elliott, Tom Scott, of Ballard county, are hereby appointed commissioners to open books and receive subscriptions of stock to said road. Either one or all of them may act. The capital stock of said road shall be one hundred thousand dollars, divided into shares of fifty dollars each.

Capital stock.

When president and directors to be elected.

§ 7. Whenever five thousand dollars is subscribed, or more, public notice shall be given in the Paducah Herald, or some newspaper in Paducah, for ten days, of the time and place of meeting of the stockholders, who shall have one vote for every share of stock, and may vote by proxy or in person; and they shall proceed to elect a president and six directors; three of said directors shall reside in Ballard county and three in McCracken, and shall all be stockholders; they shall also elect a treasurer at same time; all of whom shall hold their office for twelve months and until their successors are qualified. Elections shall

Treasurer to be elected, and term of office.

hereafter be annual, at such times and places as the board of directors may direct, for president, directors, and treasurer. The treasurer shall execute bond, with good security, for the discharge of such duties as the board of directors may impose upon him, and the safe-keeping and payment of all sums which he may receive to the order of the president and directors, upon which bond or covenant he and his securities may be sued for any breach; said bond shall be filed with the county clerk of McCracken, and by him safely kept; and each successive treasurer shall execute a like bond, to be approved by the president and directors, and filed as aforesaid.

1868.

Treasurer to give bond.

§ 8. As soon as said election is held, said president and directors shall constitute and be a body-politic and corporate, under the name and style aforesaid, and be vested with all the powers hereinbefore specified, and shall have perpetual succession, and have all the franchises usually granted to similar corporations.

Body-politic.

§ 9. The president and directors shall have kept, by a secretary, a book, showing all their proceedings, and shall meet at least every three months, at such time and place as said president may direct, of which each director shall be notified; and a majority of directors shall constitute a quorum to do business.

Record of proceedings to be kept.

§ 10. As soon as said president and board is organized as aforesaid, they shall have the road located by a competent engineer from Paducah to Woodville, and may branch their road to Hinkleville and Metropolis whenever they see proper; but none of the funds subscribed in Ballard county shall be used on the Metropolis branch. The main road shall be located on the nearest and best route, which question shall be determined by the board of directors; and all shall vote; and if a tie, the president shall give casting vote, and in all other cases of tie.

Road to be located.

§ 11. The president shall give notice of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall fail to pay his amount of stock so called for, for the space of thirty days after it is due, it shall draw ten per cent. interest; and if not paid in six months, the stock of such stockholder shall be forfeited to the company, and the president shall sell the said forfeited stock at public sale, and the proceeds shall go into the treasury of the company. No stockholder shall, at any time, vote after first election, who has not paid up all calls on his stock.

Calls on stock.

§ 12. Any subscriber to the amount of five hundred dollars, as soon as it is paid, shall have the privilege of travel, for himself and family, toll free; and any subscriber to the amount of one thousand dollars shall, on same conditions,

When subscribers to travel free of toll.

1868. be entitled to travel toll free, and all his family, and haul free all of his produce.

Penalty for
avoiding toll
gates.

§ 13. That if any person shall go around or turn off of said road with intent to evade the payment of toll, he or they so offending shall be fined ten dollars, to be recovered by warrant before any justice of the peace, for the use of the road; and said judgment shall be collected as other judgments on fines are collected.

§ 14. This act shall take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 685.

AN ACT to incorporate the Lancaster and Sugar Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, incorporated, to be called and known as the Lancaster and Sugar Creek turnpike road company; and by that name may sue and be sued, plead and be impleaded, in all courts in this Commonwealth.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each.

§ 3. The books for the subscription of stock shall be opened by S. T. Leavel, W. G. Pollard, Peter Grow, J. G. Sweeney, John A. Stone, James Sanders, and Morgan Hudson, or any three of them; the books to be opened at such time and place as they may designate, after having given twenty days' notice in five or more public places in Garrard county; the subscribers shall, in the books of the commissioners, enter into the following obligation, viz: "We, whose names are hereto subscribed, do respectively promise to pay to the president and directors of the Lancaster and Sugar Creek turnpike road company fifty dollars for each share set opposite our names, in such manner and proportions, and at such times, as the president and directors of said company may, from time to time, require. Witness our hands this — day of —, 18—."

§ 4. So soon as three thousand dollars is subscribed, the commissioners may give notice and proceed to organize by the election of a president and four directors. The road to be made under the provisions of this charter shall commence within one mile of the mouth of Sugar creek, and run up the old Sugar Creek Meeting-house prong of Sugar creek, and intersect the Lancaster and Nicholasville turnpike road at such point as the president and directors may designate.

§ 5. The road to be made under this charter may be of such grade and such metaling as the president and directors may designate. 1868.

§ 6. The president and directors of the road to be made under this charter may erect a toll-gate and collect tolls from persons traveling on same whenever two miles of said road shall have been completed at either end thereof: *Provided*, That no higher rate of toll shall be charged than is now fixed by law for roads in which the Commonwealth of Kentucky is interested—after that rate proportionably.

§ 7. The provisions of an act, entitled "An act to incorporate the Union and Beaver Creek turnpike road company," approved the 24th of November, 1851, except so far as they are changed by this act, shall be the law governing the company hereby formed; and the president and directors shall be vested with all rights, privileges, and immunities given to the Union and Beaver Creek turnpike road by said act.

§ 8. The Garrard county court is authorized, all the justices being present and a majority concurring, to subscribe not exceeding eight hundred dollars to the mile of said road.

§ 9. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 686.

AN ACT to incorporate the Marion and New Liberty Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ed. G. Rigg, John J. Alexander, Newton Williams, W. G. Simpson, and T. J. Brown, or any three of them, and their successors, be, and they are hereby, created a body politic and corporate, with perpetual succession, for the purpose of constructing and keeping up a turnpike road, upon the McAdams plan, leading from the Marion landing, on the Kentucky river, in Owen county, to the town of New Liberty, in said county, at such grade as they may agree upon.

§ 2. The corporate name of said company shall be the Marion and New Liberty turnpike road company.

§ 3. Said corporators may, at any time and place, open books and receive subscriptions of stock in said company, in shares of twenty-five dollars each. The amount of stock shall be fixed by said corporators at so much per mile as, in their judgment, may be necessary to construct said road between the points designated, in the usual

1868.

manner of building such roads; and when stock enough to build two and one half miles thereof has been subscribed, said corporators may organize the company; and the stockholders may elect five of their body directors to manage the affairs of said company, one of whom shall be the president of the board of directors; and the board of directors thus elected shall continue in office for one year or until their successors are duly elected. The board of directors may, from time to time, make such by-laws, rules and regulations, for the government of the company and the transaction of its business, and of which they shall keep a record, as they may deem expedient, not inconsistent with the Constitution of the United States or of this State. The company shall have all of the rights and privileges conferred by the general laws of the State upon similar companies for procuring and condemning the right of way and materials for their said road, the violation of their chartered rights, and the safety and preservation of their property.

§ 4. When a continuous line of two and a half miles of said road from either end shall have been completed, and the county court of Owen county, after examination, shall have so declared by its order, a gate thereon may be set up, at which toll may be collected. The rates of toll shall be the same as those fixed by the general laws of the State upon similar roads.

§ 5. The provisions of the most favored turnpike charter shall apply to this road.

§ 6. This act shall take effect and be in force from its passage.

Approved March 3, 1868.

CHAPTER 687.

AN ACT to incorporate the Versailles and Mt. Vernon Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the persons who have subscribed or may subscribe stock for the purpose of constructing a turnpike road, beginning at a point on the old Frankfort turnpike road, in Woodford county, opposite the Mt. Vernon church, running in a southerly direction by way of Pisgah church, to a point on the Versailles and Lexington pike, opposite to the Shannon's Run pike, and from a point on this proposed route opposite J. T. Gay's, in a westernly direction, through the lands of W. A. Dunlap, until it strikes the Payne's Mill road; thence with the general direction of that road to the Versailles and Lexington pike, at or near terminus of said mill road, be a body politic, under the name and style

of the "Versailles and Mt. Vernon Turnpike Road Company;" and by that name may sue and be sued, and shall have perpetual succession. 1868.

§ 2. Said road shall be under the control and management of five directors, one of whom shall be chosen president by said directors. The directors shall be elected annually by the stockholders, on the first Saturday of June.

§ 3. That Thomas Williams, John Stout, J. T. Gay, W. A. Dunlap, and C. T. Cox, are constituted a board to control and manage said road until the election on the first Saturday of June, 1868, said board choosing from their number a president and treasurer.

§ 4. The capital stock of said road shall be sixteen thousand dollars, or such sum as shall be necessary to finish the road, to be divided into shares of fifty dollars each; and each stockholder shall be entitled to one vote for each share held by him.

§ 5. The organization of said company hitherto made, the subscription of stock, releases of right of way, the contracts made, and all other acts of said company, and by its president and directors thereof, for said organization, and for the purpose of carrying out its objects, are hereby legalized and held to be valid as if done under the provisions of this act.

§ 6. That the subscription of stock of seven hundred and fifty dollars per mile, made to said road by the county court of Woodford county, be, and the same is hereby, legalized and held to be valid; and said court is hereby authorized and directed to make such orders as may be necessary to carry into effect said subscription so made.

§ 7. The whole width of said road shall not be under twenty nor more than thirty feet; the width of macadamized part not less than fifteen feet.

§ 8. That when the first line of road is done, the company shall have the right to establish two gates, one at each end of the road; and when the second line of road is done, the right to establish a third gate; but the rate of toll shall not exceed that charged by the Frankfort, Lexington, and Versailles turnpike road company.

§ 9. That any grade the board of directors receive shall be legal.

§ 10. It shall be lawful for the president and directors to borrow money, or obtain the same by the issue and sale of bonds, for the purpose of completing and improving said road, and of liquidating the debt thereon; and may pledge, mortgage, or sell and dispose of all or any part of the estate, privileges, and income of said company, to secure the payment of money so obtained: *Provided*, The money so obtained shall not exceed thirty per cent. of the capital

1868.

stock of said road: *And provided*, That the interest paid upon the bonds so issued or money so obtained shall not exceed ten per cent. per annum.

§ 11. That the Pisgah congregation shall have free pass over said road, in perpetuity, for all church purposes, in consideration of three quarters of a mile of road built by said church.

§ 12. The right to condemn land for road, rock for building and keeping in repair said road, and for toll-gate lots, said lots not to exceed half acre, shall be governed by the provisions of chapter 103 of the Revised Statutes, title "Turnpikes and Plank Roads."

§ 13. That the president and directors of said turnpike road company shall be governed in the location and construction of said road, as also in all other respects, by the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to amend and reduce into one the several acts to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles," approved February 14th, 1835, which do not conflict with the provisions of this act; and they are hereby vested with all the power and authority, rights and privileges, tolls and emoluments, that are granted to the president and managers of the Frankfort, Lexington, and Versailles turnpike road company by the above recited act; and they are also empowered with all the rights, privileges, and benefits of the act, entitled "An act for the benefit of the several turnpike road companies in this Commonwealth," approved February 9th, 1837.

§ 14. This act shall take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 688.

AN ACT to enable the Scott County Court to Purchase the Great Crossings and Stamping Ground Turnpike Road.

WHEREAS, The Legislature of Kentucky by an act, entitled "An act for the benefit of the Great Crossings and Stamping Ground Turnpike Road," approved February 16th, 1868, authorized the president and directors of said turnpike road company to sell their road; and as such sale, if made to a private person, may result in injury to the people of that county, therefore—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Scott county court be, and is hereby, authorized and empowered to purchase said road, if the same is sold by virtue of said act; but such purchase shall not

be made unless done by an order of the Scott county court, made when the justices of the peace, together with the presiding judge, constitute said court.

1868.

§ 2. That if said purchase is made, said county court shall have power to levy an annual tax of two cents on the one hundred dollars of taxable property in said county, in addition to the tax now allowed by law, to pay off the indebtedness for said road.

§ 3. That if said road is purchased by said court, it shall have all the rights, privileges, and franchises, that the president, directors, and company now have, by virtue of the charter of said company.

§ 4. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 689.

AN ACT to amend the Charter of the Winchester and Mt. Sterling Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Winchester and Mt. Sterling turnpike road company be so amended as to allow children passing through any turnpike gates upon said road, going to and from school, in vehicles or on horseback, to pass free of toll; and no toll shall be exacted on the return of said vehicles or horse that have been so used to take the said children to school.

§ 2. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 690.

AN ACT to incorporate the Cane Spring and Cox's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, and constituted a body politic and corporate, under the name and style of the Cane Spring and Cox's Creek turnpike road company, with a capital stock of three thousand dollars, which may be increased if necessary to twenty-five thousand dollars, to be divided into shares of fifty dollars each, for the purpose of making an artificial macadamized, gravel, or rock turnpike road from Cane Spring Depot, on the Bardstown branch of the Louisville and Nashville railroad, to some point at or near High Grove, on the Bardstown and Lou-

1868.

isville turnpike, crossing Cox's creek at or near George Weller's mill, or as far as their means will enable them to build, which must not be less than five miles in length; and by the above name shall be competent to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts in this Commonwealth; with power to acquire, hold, possess, use, and occupy all such real and personal estate as may be necessary and convenient for the site or route of said road, for piers and abutments of such bridges or culverts as may be required on said road, and lots for toll-houses and residences for gate-keepers on said road; also, all necessary stone, gravel, and earth, and timber for the construction and repair of said road; and to have and use a common seal, and alter or renew the same at pleasure; to make or order all such by-laws, rules and regulations, as may be necessary for the construction and repairs of said road, and the management of its prudential and financial concerns, not contrary to the Constitution of this State or of the United States.

§ 2. That the width of said road shall not at any point, where it will admit of it, be less than twenty feet, and the metal or gravel part, or plank on culverts, not less than twelve feet wide.

§ 3. That J. V. Crenshaw, J. M. Samuels, F. W. Thomas, G. W. Weller, R. J. Stoner, J. M. Doom, R. A. Wise, and G. M. Barger be, and they are hereby, appointed commissioners to open books for the subscription of stock aforesaid, at such time and places as any two or more of said commissioners may deem it expedient; and the subscribers to the stock of said company shall enter into an obligation as follows, in the books of said commissioners: We, whose names are hereunto subscribed, do respectively promise to pay to the president and directors of the Cane Spring and Cox's Creek turnpike road company the sum of fifty dollars for each share of stock set opposite our names, in such manner and proportion, and at such times, as the president and directors of said company may, from time to time, require, not exceeding twenty per cent. at any one call.

§ 4. Any stockholder may pay his stock in work on said road, provided he will do the work when called on to do it, and at as low a price as any other party.

§ 5. So soon as five thousand dollars are subscribed, the commissioners may give notice to stockholders in writing—they having one vote to each share of stock subscribed by them—and proceed to organize by the election of a president and five directors, who shall hold their office one year or until others are elected and duly qualified. That said president and directors, before they enter upon the

1868.

duties of their office, shall take an oath before some justice of the peace that they will faithfully perform the duties of president and directors, as the case may be, without favor or affection, according to the best of their judgment. That upon the qualification of the president and directors, they shall designate the location of said road, and, at the expense of the company, survey the route of said road, a majority of said officers concurring; they shall appoint a treasurer and secretary, and such other officers as they may think necessary, who shall hold their office for one year or until others are appointed. The treasurer of said company shall, before he enters upon the duties of his office, give bond, with two or more good securities, in such penalty as the president and directors may direct, payable to the president and directors of said company, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the company.

§ 6. That whenever said company shall have finished five miles of said road, said company may erect gates and collect toll.

§ 8. If any stockholder shall fail to pay the stock subscribed by them, or any part thereof, they may be excluded from the right of voting their shares of stock at the option of said president and directors, and said company may sue for the same in any court of this Commonwealth having jurisdiction thereof.

§ 9. All laws coming in conflict with this act are hereby repealed.

§ 10. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 691.

AN ACT amendatory of an act, entitled "An act to incorporate the Eminence and Mulberry Turnpike Road Company," approved January 11, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ten (10) of an act, entitled "An act to incorporate the Eminence and Mulberry Turnpike Road Company," be, and the same is hereby, repealed, and the following be substituted in lieu thereof, and regarded as the tenth section of said act: "It shall be the duty of the secretary, when so ordered by the board of directors, to notify in writing each stockholder of the amount, and the

1868.

time when due, of each call upon his stock, not to exceed at any one time twenty-five per cent. of his original subscription; and should any stockholder fail or neglect, for thirty days, to pay any call made upon him as herein directed, suit may be brought, in the name of the president, at the discretion of the board of directors, to collect the same, in such manner as is now provided by law for the collection of other debts."

§ 2. All county roads running within one mile, parallel with said turnpike road, shall be closed up and discontinued, by order of the Henry or Shelby county courts, as the same may have jurisdiction in each case, as soon as two and one half miles of said turnpike road is finished.

Approved March 3, 1868.

CHAPTER 692.

AN ACT to amend the Charter of the Flemingsburg and Elizaville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Flemingsburg and Elizaville turnpike road company be so amended, that in the election of president and directors of said company, each stockholder shall be entitled to one vote for every share of stock he may own in said company, up to and including five shares, and one additional vote for every additional five shares.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 693.

AN ACT to legalize a change in the road leading from Morganfield to Caseyville, in Union County.

WHEREAS, It is represented to the General Assembly that the Union county court, at its October term, 1867, did, in pursuance of the recommendation of commissioners previously appointed, and by consent of the owners of the land, order a change in the road leading from Morganfield to Caseyville, in said county, where the same crosses Eagle Creek Flat, so as to establish said road on the dividing line between the lands of Thornton Mobly and J. H. Harding; and whereas, doubts have arisen as to the power of the said court in the premises; in remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1868.

§ 1. That the said order of the Union county court, making the change aforesaid, be, and the same is hereby, ratified and declared valid to all intents and purposes.

§ 2. This act to take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 694.

AN ACT for the benefit of Sciotha Beshears, of Hopkins County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and is hereby, directed to draw his warrant upon the Treasurer in favor of Sciotha Beshears for the sum of seventy dollars.

§ 2. This act to take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 695.

AN ACT for the benefit of W. F. Evans' Estate.

WHEREAS, W. F. Evans was trustee for Preston Wade, a lunatic, under judicial inquest of the Barren circuit court, and said lunatic was the owner of a few negro men, women, and children, in the years 1864 and 1865, and had no other property; the negroes were listed for taxation, and the taxes collectable thereon were thirty dollars and ten cents; the men ran away, and the women and children produced no hire except their clothing and support; the trustee, therefore, had no means to pay said taxes; and whereas, said Evans died, and the late sheriff of said county is responsible for the taxes—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said late sheriff of said county for said two years be released from said liability for said taxes, as well as also the estate of said W. F. Evans.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

1868.

CHAPTER 696.

AN ACT for the benefit of Jo. Thomas, Trustee of the Jury Fund of Daviess County.

WHEREAS, Execution was, on the 13th day of November, 1867, issued in favor of the Commonwealth against Jo. Thomas, trustee of the jury fund for Daviess county, for the sum of \$1,308 25, an amount due the Commonwealth from said Thomas as trustee aforesaid, with interest, cost, and damages thereon; and whereas, the said Thomas had already paid said sum by depositing the same in bank to the credit of the Treasurer of State; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Jo. Thomas, and his sureties on his official bond as trustee of the jury fund of Daviess county, be, and they are hereby, relieved and released from the payment of the damages on said sum of \$1,308 25, assessed in said execution at the sum of \$261 65.

§ 2. This act shall take effect from its passage.

Approved March 3, 1868.

CHAPTER 697.

AN ACT for the benefit of John B. Pierce, Jailer of Trimble County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury in favor of John B. Pierce for forty-five dollars [and] sixty cents, for keeping and supporting in the jail of Trimble county John Vest, jr., a pauper lunatic, sixty days, the Asylum at that time not having capacity to receive him; and said Treasurer shall pay the same.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 698.

AN ACT to repeal an act, entitled "An act declaring Eagle Creek a Navigable Stream."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts heretofore made, declaring Eagle creek a navigable stream, be, and the same are hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 3, 1868.

CHAPTER 699.

1868.

AN ACT for the benefit of T. W. Samuels, Sheriff of Nelson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. W. Samuels, sheriff of Nelson county, is allowed until the second Monday of February, 1868, to return to the Nelson county court his delinquent list for the year 1867; and when allowed and certified by said court to the Auditor of Public Accounts, the credit therefor shall be by said Auditor allowed.

§ 2. That the further time until the fifteenth day of March, 1868, be, and is hereby, allowed the said sheriff to collect and pay over to the credit of the Treasury the unpaid balance of the revenue of said county for the year 1867: *Provided, however,* He shall not be entitled to the benefits of this act unless his sureties enter their assent to the extension here given by this act in the county court of said county, and a copy thereof shall be certified by the clerk of said court to the Auditor of Public Accounts.

§ 3. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 701.

AN ACT for the benefit of W. T. Jackman, late Sheriff of Russell County.

WHEREAS, Judgment has been rendered by the Franklin circuit court against William T. Jackman, late sheriff of Russell county, and his securities, for the revenue of 1866, and damages—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the payment of said revenue, interest, cost, and attorney's fees, by said sheriff or any of his securities, on or before the first day of June next, the damages shall be released.

§ 2. This act to take effect from its passage.

Approved March 3, 1868.

CHAPTER 702.

AN ACT for the benefit of James B. Cook, Sheriff of Trimble County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if James B. Cook, sheriff of Trimble county, shall, on or before the first day of June, 1868, pay into the Treasury the principal, interest, and costs, of a judgment

1868. against him for the revenue of 1867, he shall be released from the damages on said judgment.

• § 2. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 704.

AN ACT for the benefit of School District No. 16, in Fleming County.

WHEREAS, There was no common school taught in district No. 16, in Fleming county, during the year 1867, for the reason that no house could be procured for the purpose; and whereas, the citizens resident in said district have since arranged for the occupancy of one that is entirely suitable; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said school be, and they are hereby, authorized to have the three months' school to which they were entitled in 1867, taught in 1868, in addition to the regular three months' term now allowed by law; and said trustees are empowered to report for both terms so to be taught; and the State Auditor is hereby authorized to draw his warrant on the Treasurer for the sum allowed by law for said school, to be paid out of any money that may be coming to the county of Fleming for school purposes, or which may hereafter accrue to the credit of said county.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 705.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the Town of Shelbyville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all retail merchants, irrespective of the character of merchandise sold by them, shall be rated by the assessor into six classes, and the price of a license for one year shall be as follows: Not to exceed, for the first class, forty-five dollars; for the second class, thirty-five dollars; for the third class, twenty-five dollars; for the fourth class, fifteen dollars; for the fifth class, ten dollars; for the sixth class, five dollars; and the assessor, in making the above classification, shall be governed by the amount of business done by each merchant; and said classification shall be subject to revision by the board of trustees: *Provided*, Nothing herein contained shall be construed as applica-

ble to retailers of malt, spirituous, vinous, or fermented liquors. 1868.

§ 2. So much of section twenty-third of the charter of the town of Shelbyville as is inconsistent with this act is hereby repealed.

§ 3. That so much of section twenty-four of the charter, in reference to licensing of druggists and apothecaries, which reads: "Nor shall such license be granted until the person applying for the same shall have paid to the clerk of said board the sum of ten dollars, one half of which shall be paid into the Public Treasury of this State, and the balance to be paid into the treasury of the town, for the use and benefit thereof," be amended so as to read: "Nor shall such license be granted until the person applying for the same shall have paid to the clerk of said board a sum of not less than ten nor more than fifty dollars, to be fixed by the board of trustees, five dollars of which shall be paid into the Public Treasury of this State, and the balance to be paid into the treasury of the town, for the use and benefit thereof."

§ 4. That the board of trustees of the town shall have power and authority to cause the owners or occupiers of property fronting on streets and alleys to make good and substantial brick or stone sidewalks along the same, and keep the same in good repair; and when the persons who should do so fail or refuse to obey and perform the directions given by the board of trustees, the said trustees may have their orders executed at their own expense, and the costs and charges thereby incurred shall be paid by those who fail or refuse to comply with the directions of the board in relation thereto, and may be recovered by the board of trustees by warrant for the same before the police judge, or by suit in the Shelby quarterly or circuit court; and the board of trustees shall, in all cases, have the right and power to direct and control the grade of the streets, alleys, and sidewalks of said town.

§ 5. That the board of trustees shall have power and authority to collect a tax, not to exceed ten dollars, on each public entertainment of any kind, within the limits of the town of Shelbyville, for which money is charged for admittance thereto, and for which provision is not made in section twenty-third of the charter of the town: *Provided*, That the proprietors of licensed public houses shall be exempt from this tax.

§ 6. That this act shall take effect from and after its passage.

Approved March 5, 1868.

1868.

CHAPTER 706.

AN ACT in relation to the Measurement of Brick-work in the City of Louisville and County of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the measurement of brick-work in the city of Louisville and county of Jefferson, when not otherwise agreed by written contract, shall hereafter be made and estimated as follows, to-wit: For brick-work in a wall, a cubic foot shall be rated and estimated to contain twenty-one brick, from which a deduction of six per cent. shall be made for mortar; for pavements, the estimate shall be made and rated at forty-one bricks to the square yard.

Approved March 5, 1868.

CHAPTER 707.

AN ACT to amend the Charter of the Town of Independence, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the election for trustees of the town of Independence, in Kenton county, shall be held on the first Saturday in March in each year; and if a vacancy should occur in the board of trustees, by the death, resignation, or removal of any of its members, the presiding judge of the Kenton county court shall fill such vacancy until the next regular election.

§ 2. That the election for trustees of said town, held on the first Saturday in April, 1867, shall be, and the same is hereby, declared legal and valid in all respects.

§ 3. That this act shall take effect from and after, its passage.

Approved March 5, 1868.

CHAPTER 708.

AN ACT to amend the Charter of the City of Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the city marshal, city attorney, and city clerk, of the city of Columbus, shall be elected by the qualified voters of said city, instead of being appointed by the common council upon the recommendation of the mayor, as now provided by law. That the first election for said officers shall be held on the first Saturday in May next; and they shall hold

their offices for one year, or until their successors are elected and qualified. The present incumbents of said offices shall continue to discharge the duties of the same until their successors are elected and qualified under the provisions of this act.

1868.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 709.

AN ACT to amend an act, entitled "An act to appoint Trustees for the Town of Franklin, in the County of Simpson," approved November 2, 1820.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fifth of an act, approved November 2, 1820, appointing trustees for the town of Franklin, in Simpson county, Kentucky, be so amended that the trustees for said town shall not have power to levy a tax of more than twenty-five cents on each one hundred dollars' worth of property, unless the same shall have been first submitted to, and approved by, a majority of the taxpayers and voters within said town.

§ 2. That all improvements done on the streets, or on any other public work in said town, shall be let out, publicly, to the lowest bidder; and the said trustees shall make a public printed exhibit of all receipts and disbursements at least once in each year, showing the amounts received, and from whom, the amounts paid out, to whom paid, and what for.

§ 3. The offices of assessor and tax collector in said town shall not be held by the same person.

§ 4. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 710.

AN ACT amending the Charter of the Town of Madisonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said town of Madisonville be so amended as to give to the trustees of said town the right to grant coffee-house license, so as to enable the applicant therefor to retail spirituous liquors in any quantity.

§ 2. Before any license shall be granted to any person or persons to keep a coffee-house, as provided in section one of this act, the applicant for said license shall execute

1868.

bond before county clerk of county, and pay the same tax to the State as now required by tavern-keepers of this Commonwealth.

§ 3. The trustees of said town shall require and receive, as a tax from any and all persons applying for license under this act, to pay over to the treasurer of said town, any sum in their discretion, not less than seventy-five nor more than one hundred and fifty dollars, before such license shall be granted; and also furnish the receipt of the clerk of the county court for the State tax paid by tavern-keepers of this Commonwealth, and said clerk's certificate that the bond has been executed as required of tavern-keepers.

§ 4. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 711.

AN ACT to incorporate the Brooksville Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, established, for the purpose of building, founding, and maintaining an institution of learning, in or near the town of Brooksville, Bracken county, Kentucky, to be called "The Brooksville Seminary."

§ 2. The capital stock of said company shall be ten thousand dollars, to be increased or diminished at the pleasure of the trustees, and to be divided into shares of fifty dollars each.

§ 3. That the books for the subscription of stock in said company shall be opened on the first Monday in April, 1868, in the town of Brooksville, at the office of Jas. W. Staton, under the direction of B. G. Willis, Geo. B. Poage, Jas. W. Staton, J. B. Clarke, Wm. Williams, J. H. Bonde, or any three of them. The commissioners shall open a book, and the subscribers to the stock of said company shall enter into the following obligation, to-wit: "We, whose names are hereto subscribed, do promise to pay to the trustees of the Brooksville Seminary fifty dollars, for each share of stock in said company which we have set opposite our names, in such manner and proportion, and at such times, as may be required by said trustees: *Provided*, That not exceeding twenty per cent. shall be called every sixty days."

§ 4. That at any time after thirty shares shall be subscribed, the said commissioners, or any three of them, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for five trustees, who shall hold their offices until the second Monday in

April, 1869, and until their successors are elected and qualified; and on the second Monday in April in each year thereafter an election shall be held for trustees.

1868.

§ 5. The trustees first elected, and their successors, shall be, and are hereby, constituted a body-politic and corporate, to be known by the name of the Trustees of the Brooksville Seminary; and by that name shall have perpetual succession and a common seal, and may break or alter the same at pleasure; and by said name may sue and be sued, plead and be impleaded, in any court of law or equity, and contract and be contracted with; and shall be capable in law of purchasing and holding, to them and their successors, any lands, tenements, money, goods, and chattels of any kind whatever, which shall be purchased, given, granted, or devised for the use of said seminary, and may sell, dispose of, and convey the same, in any manner which may be directed by a majority of the stockholders.

§ 6. The trustees shall have power, from time to time, to receive additional subscription to the capital stock; they shall have power to establish such by-laws, rules and ordinances, as they shall deem necessary for the supervision and government of said seminary; and shall elect all teachers in said seminary, and contract with them for their services; and upon a vacancy occurring in the board of trustees, shall have power to fill the vacancy until the next regular election. The said board of trustees shall elect a president, clerk, and treasurer, to serve for one year, and prescribe their duties and responsibilities. No one shall be eligible to the office of trustee unless he shall be the owner of at least one share of stock.

§ 8. That the stockholders shall be entitled to one vote for each share of stock owned by them, and may vote in person or by proxy, duly appointed in writing. The stock may be negotiated and assigned on the books of the trustees, and the assignees be entitled to all the privileges of stockholders.

§ 9. That this act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 712.

AN ACT to amend "An act concerning the Harrison County Academy," approved February 22, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Harrison county be invested with the power, at the regular court of claims in 1868, a majority of the justices being present, to elect five trus-

1868.

tees for said Harrison County Academy, whose term of office shall be for four years from date of election, and until their successors are duly elected and qualified; and there shall be five trustees elected in the same manner every four years thereafter.

§ 2. That in case of death, removal from the county, refusal to act, or resignation of any one or more of the said trustees, those remaining shall have power to fill said vacancy.

§ 3. That sections two and four of an act, entitled "An act concerning the Harrison County Academy," approved February 22, 1865, be, and the same is hereby, repealed, and the third section of said act be so amended as to conform with the first and second sections of this act.

§ 4. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 713.

AN ACT to incorporate the Morganfield Male and Female Collegiate Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. B. Johnson, principal, and George Huston, D. H. Hughes, John S. Geiger, Sam C. Hughes, Jesse S. Taylor, Thomas S. Chapman, Croml. Adair, Peter Abell, John F. Cromwell, Rev. J. S. McGee, and I. A. Spalding, and their successors appointed by the principal, shall be a body corporate, by the name of the "Principal and Board of Trustees of the Morganfield Male and Female Collegiate Institute."

§ 2. That the principal and his corps of instructors shall have power to determine the course of studies and discipline to be adopted in said institution, provided it be so extensive as to confer upon young ladies and gentlemen an education corresponding to that given by the best institutions of the same order; and that the principal and corps of instructors shall conduct annual examinations in public, and shall, with the advice and consent of the board of trustees, whose duty it shall be to attend the examinations, confer upon such young ladies and gentlemen as shall have completed the prescribed course, and passed a reputable public examination, the literary honors of the institute.

§ 3. That there shall be a course of literature, science and arts, and a more extended course, including classical literature, taught in said institute; and upon those who shall have pursued the former, the degree of mistress or master of science; and upon those who shall have pursued

the latter, the degree of mistress or master of science and classical literature, shall be conferred.

1868.

§ 4. That should said institute at any time pass from the hands of the present principal, his successor shall have all the rights and privileges specified in this act.

§ 5. That this act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 714.

AN ACT to incorporate the Paducah Library and Literary Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. J. B. Saunders, Geo. Langstaff, Wm. F. Norton, Hon. J. Q. A. King, James Campbell, jr., Henry Enders, R. O. Woolfolk, Q. Q. Quigley, L. D. Husbands, Geo. Morrow, Jno. C. Noble, Jno. Sauner, Jno. Fisher, Milton Kinhead, Dr. Joseph W. Thompson, Wm. Bullett, Thomas Moss, Thomas Glass, Wm. Nolen, Thos. Allen, G. Robb, G. Kay, W. H. Jones, Richard Harding, J. M. Bigger, Oscar Turner, Saml. Hinton, John H. Terrell, and their associates and successors, be, and they are hereby, created a body politic and corporate, under the name of the Paducah Library and Literary Association; and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued; to ordain and put in execution such constitution and by-laws, rules and regulations, for the government of said association, and the prudent and efficient management of its affairs, as may be deemed just and proper; and to have a corporate seal, and alter or renew the same at pleasure.

§ 2. That all the affairs of the said association of a fiscal or prudential character shall be under the control of a president, vice president, and five directors, the seven to constitute one board, who shall each be elected annually by the qualified voters of the association, and continue in office one year, and until their successors are duly elected and qualified. The board shall hold their regular meetings at least once in every three months, and at such other times as may be provided in the constitution or by-laws.

§ 3. That the capital stock of said association shall be five hundred thousand dollars, to be divided into shares of ten dollars each, and the same shall be subscribed and paid for as may be prescribed by the by-laws of said association. At all elections or general meetings of the stockholders, each stockholder shall be entitled to one vote

1868.

for each share of stock owned by him, and the votes may be given in person or by proxy.

§ 4. That the president shall be the chief executive officer of the association; and it shall be his duty to take care that the constitution, by-laws, rules and regulations of the same, be duly executed and enforced; to preside at all the meetings of the board, sign the journal of their proceedings, and all orders, contracts, bonds, and conveyances, in behalf of said association. In the event of his temporary absence, the vice president may act in his stead; and any four of the board of directors shall constitute a quorum to do business; but all vacancies which may occur in the office of president, vice president, or any of the directors, by reason of death, resignation, or removal, shall be filled by the election of a new incumbent, for the unexpired term for which such officer had been chosen.

§ 5. That the qualifications for regular and honorary membership of said association, and the mode by which its affairs are to be conducted, shall be such as may be prescribed by its constitution and by-laws, which shall be ordained to accomplish the objects contemplated in its formation, and in nowise repugnant to the Constitution and laws of this State or of the United States.

§ 6. That it shall be the duty of the officers and members of this institution to establish and keep their library, reading-room or rooms, and lecture-room or rooms, and offices, in the city of Paducah; and they may authorize, in connection therewith, a lyceum for literary and intellectual improvement, to be composed of such members of said association as may choose to belong to said lyceum, and to be governed by such rules and regulations as said members may adopt, not inconsistent with the terms of this charter or the constitution and by-laws of the library association. Said association shall have full power to purchase, create, and hold a library, which it may increase at will, from time to time, by acquisition of such books as it may select; and it shall also have full power to receive, purchase, and hold, in connection therewith, such manuscripts, pamphlets, papers, philosophical apparatus, engravings, maps, charts, and specimens of nature and the fine arts, as may to it be deemed best; and for the purposes above mentioned, may acquire and hold real and personal estate to the amount of five hundred thousand dollars, which capital stock may be increased, from time to time, as the board of directors may deem proper. It shall likewise be the duty of the officers of the institution to keep a record of all donations which may be made to it, and faithfully apply the same in accordance with the intention of the donors.

§ 7. That the president and directors shall keep a journal of the proceedings of the association, and may employ a treasurer, librarian, secretary, and such other officers and agents as the interests of the institution may require, upon such compensation as may be fixed by them; and must require bond, with security, of the persons so employed, conditioned for the faithful performance of their respective duties.

§ 8. That until there is a regular election by the stockholders of said association, the persons named in the first section of this act shall constitute the board of directors; and as such they shall cause books to be opened for subscription to the capital stock of the said association.

§ 9. That this act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 715.

AN ACT to incorporate the Paducah and Illinois Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. S. Trimble, Oscar Turner, L. M. Flournoy, W. F. Norton, James Campbell, Wm. Nolin, Henry Enders, J. M. Bigger, J. Q. A. King, Q. Q. Quigley, I. C. Calhoun, J. W. Sawner, Alfred Johnston, G. W. Morrow, C. H. Rickir, G. A. Flournoy, L. D. Husbands, G. Kay, B. B. Settles, J. Lallard, J. A. Mackey, and George Langstaff, of the State of Kentucky; A. M. West and Abraham Murdock, of the State of Mississippi; Geo. T. Beauregard and T. S. Williams, of the State of Louisiana; David L. Phillips, Wm. Bullet, J. M. Campbell, and S. S. Marshall, of the State of Illinois; and A. E. Burnside, of the State of Rhode Island, be, and they are hereby, created a body-politic and corporate, with perpetual succession, by the name of Paducah and Illinois Bridge Company; and by that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth and elsewhere; and shall have power of erecting and constructing a bridge across the Ohio river, from some point within the corporate limits of the city of Paducah, to such point on the Illinois shore as the said bridge company may select; said company shall have and use a common seal; they shall also have the power to purchase and hold as much real estate as will be necessary for the site for said bridge, the piers, abutments, toll-houses, and necessary and suitable avenues leading to the said bridge; also to borrow money not exceeding the capital stock mentioned in this act, and to secure the same on such terms as

Corporators' names, and corporate powers.

1868.

1868.

may be agreed upon; shall also have power to ordain and establish such by-laws, rules and regulations, which may be necessary for the well-being and government of said corporation: *Provided*, That the same shall not be contrary to the laws of the United States, this State, or the State of Illinois.

Capital stock.

Books for
subscription of
stock may be
opened.

§ 2. That the capital stock of said company shall be (\$3,000,000) three million dollars, divided into shares of one hundred dollars each; and said corporators, or any six of whom, shall have power and authority, upon written notice, to cause books to be opened, at such time or times, place or places, as they may agree upon, and cause said books to be kept open such length of time as they may prescribe, under the direction of such person or persons as they may designate: *Provided*, That they shall publish, in some paper published in the city of Paducah, the time and place which the books for the subscription of stock in said company shall be held; and if, at the end of such time, the whole amount of the capital stock shall not have been subscribed, the said corporators shall have power to order books to be open at such other times and places, and may repeat the same as often as necessary, until the whole amount of stock herein authorized shall have been subscribed, giving such notice as they may deem reasonable: *Provided*, That any subscriptions to the capital stock of said company, made at any other time, or any other place, shall be as valid on the person subscribing as if made in the mode and manner herein prescribed: *And provided further*, That neither the State of Kentucky, or the city of Paducah, or county of McCracken, shall have the right to levy and collect of said bridge company any taxes, until one year after said bridge shall have been completed.

When pres-
ident and other
officers to be
elected.

§ 3. That when one hundred thousand shares shall have been subscribed to the capital stock of said company, the persons authorized to open books, or a majority of them then living, shall advertise for a meeting of the stockholders in said company, at Paducah, Kentucky, giving ten days' notice of the time and place of such meeting, by publication in some paper published in Paducah, Kentucky, and the stockholders shall proceed to elect a president and six directors, who shall be stockholders in said corporation, and to elect or appoint such other agents and officer as they may deem necessary for the business of the corporation, and fix the salaries to be paid to the president, agents, and such other officers as they may deem entitled to receive salaries, and require such bonds of any of such officers, with security, and with such conditions as they may prescribe; at which meeting, each stockholder shall be entitled to one vote for each share of stock he, she, or they may own in said company. The stockholders may vote in person or by proxy.

§ 4. The said company may extend a railway over said bridge, with as many sets of tracks as may be deemed expedient, and shall have the right to fix reasonable rates of tolls for passing over said bridge, and to collect the same from all and every person or persons passing thereon or carried thereon, and upon all goods and chattels, vehicles and animals passing thereon, or carried on said bridge, and including every other species of property not herein named; and for this purpose toll-gates may be erected at each or either end of said bridge; and the rates of toll shall be posted up in conspicuous places where toll is demanded. That the said bridge company shall have all power and authority that may be deemed necessary to condemn any and all real property for the location and erection of said bridge, or any toll-houses, abutments, piers, anchor-pits, or approaches to said bridge, or that may be deemed in any way necessary or convenient for the purposes of the corporation, under writ of *ad quod damnum*. That when the said corporation are unable to agree with the owners of any real estate they may desire to use for the use of said corporation as to value, or where the owners are non-residents, *non compos mentis*, or infants, the said corporation shall file a petition in the clerk's office of the McCracken circuit court describing the property necessary to be taken for the purposes of this corporation, and it is thereupon made the duty of the clerk of said court to issue a writ of *ad quod damnum*, directing the sheriff of McCracken county to summons twenty freeholders, citizens of said county, to appear upon the property sought to be condemned, upon a given day not more than ten days after the reception of said writ; should said jurors fail to attend, or any of them, the sheriff shall immediately supply their places until the full number of twenty shall have been obtained, and thereupon either party, in person or by attorney, if present, shall strike from said list four jurors; the remaining twelve shall constitute the jury to assess the value of the property sought to be condemned; and thereupon the sheriff shall swear said jury to well and truly value the property, and a true valuation render in writing, which verdict of the jury shall be returned to the clerk's office of the McCracken circuit court; and if no sufficient reason shall be shown against the same, at the first term of said court after the same shall have been filed, the same shall be confirmed by the court, and judgment given against said corporation for the value of the property taken, and, upon payment of the same by the company, to the party or his or her attorney, or, in case of non-residency, to the sheriff of the county, or, in case of persons *non compos mentis*, to his or

1848.

May extend
railway over
bridge, and fix
rates of toll.

May condemn
property for use
of bridge, and
how.

1868.

her committee, if any, if none, then to the sheriff of the county, or, in case of infants, to the guardian of such infants, the company shall have the right to appropriate and use the property so condemned for the purposes herein authorized; should said verdict be set aside by the court, a new jury shall be summoned by the sheriff as herein provided, until a verdict is rendered that will be confirmed by the court: *Provided*, That, after the rendition of the first verdict, the company shall have the right to appropriate the condemned property, whether the verdict be set aside or not: *And provided further*, That when the party whose property is sought to be condemned is a non-resident, and is not present, in person or by attorney, at the trial, or is *non compos mentis*, and no committee appears, or an infant, and no guardian appears, the sheriff shall strike for such party in the formation of the jury: *And provided further*, That, in the assessment of damages under this charter, the jury shall give the actual value of the property taken or condemned, and no more.

Capital stock
may be increased.

§ 5. That should the capital stock of said company, as herein provided, prove insufficient for the purposes of this corporation, the board of directors shall have the right to increase the same to such an amount as will be required to fully carry out the purposes of this corporation; individuals, companies, and corporations created by the laws of this State, or any State of the United States, shall have the right to take stock in this corporation; and said company is authorized to make contracts with any railroad company, in or out of this State, relative to the building of the bridge, and to make common cause with any railroad company, in or out of this State, or to consolidate stock with any such railroad company, upon such terms as may be agreed upon; and the said company shall have the right to receive subscriptions to the capital stock of said company in real and personal property or choses in action, upon such terms as may be agreed upon, and to sell and convey all such property in as full and complete a manner as natural persons; and the said company shall have the right to issue not exceeding one million of dollars of mortgage bonds upon the property of said company.

May make
contracts with
railroads for
erecting bridge

Provisions of
Newport Com-
pany made ap-
plicable.

§ 6. That the act and amendatory acts of the General Assembly, creating the Newport and Cincinnati Bridge Company, shall be, and the same are hereby, made applicable to the Paducah and Illinois Bridge Company herein incorporated, and the same are made parts of this charter in as full and complete a manner as if herein copied and at large set forth: *Provided*, The same are not inconsistent with the provisions of this charter in sections from one to six, inclusive.

§ 7. That, after the first election of a president and directors of said company, there shall be an annual election of a president and directors of said company, as herein provided, on the first Monday in June in each and every year thereafter, who shall hold their offices until their successors shall be elected and qualified; and should the stockholders fail to elect a president and directors at the time herein provided for, the majority of the stockholders shall have the right to elect such officers at any other time they may agree upon, by giving twenty days' notice in some paper published in Paducah.

1868.

Annual election, when held

§ 8. This act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 716.

AN ACT to incorporate the Teachers' Mutual Aid Association, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William E. Timmons, W. A. Boles, and James McGrain, their successors and assigns, be, and the same are hereby, created a body-politic, incorporated under the name and style of "The Teachers' Mutual Aid Association, of Louisville;" with power to sue and be sued, to plead and be impleaded, and to exercise all the powers of a natural person, for the purpose of securing to all teachers who may become members thereof aid and assistance in case of sickness or disability to perform the duties of teachers, for and during such a period, and by and under such regulations, as may be prescribed by the Constitution and by-laws adopted under this charter by said body-politic; and may have a common seal, and change the same at their pleasure.

§ 2. They shall have power to form such a constitution and such by-laws as may be necessary and proper for the management of said body-corporate, not in conflict with the Constitution or laws of the Commonwealth of Kentucky.

§ 3. They shall, in their corporate capacity, and under their corporate name, have power to acquire, by purchase or otherwise, real estate to the value of twenty-five thousand dollars, for the use and benefit of said body-politic; and in the same manner convey said real estate or any part thereof.

§ 4. The General Assembly reserve the right to alter, amend, or repeal this charter.

§ 5. This act to take effect from its passage.

Approved March 5, 1868.

1868.

CHAPTER 717.

AN ACT to incorporate the Franklin Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution of learning be, and the same is hereby, incorporated, to be known and called by the name of "Franklin Female College;" to be located within the corporate limits of the town of Franklin, Simpson county, Kentucky.

§ 2. That the board of managers of Franklin Female College, hereinafter provided for, and their successors in office, are hereby created a body corporate and politic, and, as such, shall have perpetual succession and existence; they may sue and be sued, contract and be contracted with, hold and possess, all money, property, or choses in action, which may at any time or in anywise belong to said college; and they are hereby made able to receive and hold, for the use and benefit of said college, all lands, tenements, money, choses in action, or other thing, by conveyances or other transfers, which may in anywise belong to said institution, including all endowments, donations, or corporate appropriations, that may, from time to time, be made to the same.

§ 3. That said board of managers, when suing or being sued, when contracting or acting for or in behalf of said college, or its rights or interest, shall be styled, and shall style themselves, "Board of Managers of Franklin Female College."

§ 4. That it shall be the duty of said board of managers to fill, by temporary appointments, any vacancies which may occur in said board from death, resignation, incapacity or refusal to act, provided said appointee shall hold his office till the next ensuing election of managers, when such vacancies shall be filled as hereinafter provided.

§ 5. That said college shall be under the control, management, direction, and supervision of the said board of managers; they shall procure, by purchase or otherwise, suitable lands within the corporate limits of said town, not exceeding fifteen acres, and cause to be erected thereon all suitable buildings and other improvements for said female college; they may employ such teachers, agents, and servants, as they may deem necessary to transact and manage the affairs and business of said school; and they may, from time to time, make by-laws, rules and regulations, relative to the management, care, and protection of the property of said corporation, and the management, government, instruction, and discipline of the pupils and boarders in said school; and they shall have power and authority to do and perform any other act within the scope

1868.

and objects of this charter, necessary and proper for the good government and well-being of said institution: *Provided*, Said by-laws, rules and regulations, are not inconsistent with the constitution and laws of the United States or of this Commonwealth.

§ 6. That said board of managers, together with the faculty, shall have power to hold annual commencements and public examinations, and shall also have power to confer such honorary degrees and diplomas as are usual in other colleges and universities in the United States; and this college shall have all the powers, privileges, and immunities, and be subject to all the pains, penalties, and liabilities, of similar institutions in this Commonwealth.

§ 7. That a majority of the board of managers shall constitute a quorum to transact business; and no act of said board shall be valid or binding unless it shall have received the sanction of a majority of all the managers.

§ 8. That it shall be the duty of said board of managers to elect a president and secretary of the board, and to appoint a treasurer; the latter shall execute bond, with good security, to be approved and accepted by the said board; and it shall be his duty to receive and receipt for all funds which may belong to said college, and safely keep the same, and pay out and disburse them in pursuance to the written order of the board, signed by the president and secretary thereof, and not otherwise.

§ 9. That the board of managers of Franklin Female College, at the close of each collegiate year, shall make and publish an annual report of the receipts, disbursements, and condition of said institution.

§ 10. That the board of trustees of the town of Franklin, Kentucky, are hereby authorized and required to subscribe, on behalf of said town, twenty thousand dollars to the capital stock of said corporation; and said board of managers, in behalf of said corporation, is required to accept, in payment therefor, the bonds of said town, each bond of a denomination not less than one hundred, and not more than five hundred dollars, bearing interest from date, payable semi-annually, at the rate of seven per centum per annum, and due ten years after date, but redeemable at the expiration of five years, at the pleasure of the trustees of said town.

§ 11. That said bonds shall be made negotiable and payable to the board of managers of Franklin Female College, or bearer, signed by the chairman of the board of trustees of the town of Franklin, and countersigned by the secretary of said board of trustees; and the coupons for the interest attached to said bonds shall be likewise signed and dated, and the time of maturity and the amount due shall be indorsed or printed on said coupons,

1868.

and they shall be numbered to correspond with the bonds to which they are attached.

§ 12. That before the subscription of twenty thousand dollars heretofore authorized is made, the board of trustees for the town of Franklin shall submit the question of such subscription to the legally qualified voters of said town, at an election directed and held by said trustees, having first advertised in the most public manner, and for at least fifteen days before the day of election, the amount of said subscription and the terms and conditions upon which it is to be made; and if a majority of those voting at said election shall vote in favor of said subscription, then it shall be made by the trustees of said town as before stated.

§ 13. That said election shall be governed by the same laws, except as to time, as govern the election of trustees of said town; and the question shall be propounded to each competent voter offering to vote, by an officer of the election, "Do you vote for or against the subscription of twenty thousand dollars to Franklin Female College?"

§ 14. That at the said election, the legally qualified voters of said town shall elect nine of their number, who shall be the board of managers of Franklin Female College. The poll-books, together with the result of said election, shall be certified to the clerk of the Simpson county court; and if said subscription shall have been authorized, he shall record the certificate of the result so furnished him, together with the names of those elected to fill the board of managers; and he shall furnish to each person so elected a certificate of his election.

§ 15. That the board of trustees of the town of Franklin shall cause to be signed and delivered to the board of managers of Franklin Female College the bonds of said town, at such times and in such sums as may be required by said board of managers, and said board of managers shall sell or otherwise dispose of said bonds to the best advantage; and all the proceeds shall be sacredly applied to the object for which it was designated, viz: the building of a female college in the town of Franklin.

§ 16. That the board of trustees of the town of Franklin shall levy and collect an *ad valorem* tax on the property, both real and personal, within said town, that is listed for State purposes, including the amount given in under the equalization law, sufficient, after paying expenses of collection, and making allowances for delinquencies, to pay the interest on said bonds as soon as the same shall fall due; and, in addition thereto, they are authorized to levy and collect on the same property the further sum of one thousand dollars each year, for the first five years, and use the same to retire the said bonds; or if the owners thereof

be unwilling to sell the same before five years, then the said trustees shall invest the money so collected in some safe interest-bearing securities until they have the lawful right to redeem said bonds.

1868.

§ 17. That, at the expiration of five years, the trustees of said town shall levy and collect each year a sum sufficient to retire one fifth of the outstanding bonds of said town remaining unretired or unprovided for by previous levies and collections.

§ 18. That the capital stock of this corporation shall not exceed the twenty thousand dollars provided to be subscribed by the said trustees of the town of Franklin, and interest on that subscription, together with five thousand dollars to be subscribed by individuals, and like interest on said individual subscriptions; said capital stock shall be divided into shares of fifty dollars each, and when four hundred shares, or twenty thousand dollars, shall have been subscribed, as heretofore provided, then this corporation and body politic shall be invested with all the rights and privileges, and be subject to all the responsibilities, herein given or imposed.

§ 19. That each tax-payer shall have a separate tax receipt for the amount of taxes he may pay in liquidating the principal and interest of the bonds of said town, which tax receipts shall be transferable by written assignment and delivery; and when any one, holding in his own right, by payment of taxes or by purchase, fifty dollars of said tax receipts, shall present the same to the secretary of the board of managers, it shall be the duty of said secretary to take up said receipts, and issue to the owner thereof a certificate of stock in said corporation.

§ 20. That all stock subscribed and paid in by individuals shall stand on the same basis as the stock subscribed by the town of Franklin, and they shall be allowed, in stock, the same interest on said subscribed stock as may be paid on the bonds of said town.

§ 21. That on the Wednesday following the day upon which the subscription of twenty thousand dollars shall have been authorized, or as soon thereafter as practicable, the board of managers shall meet and divide themselves by lot into three classes; the seats of the first class shall be vacated on the first Monday of June, 1869; of the second class, on the first Monday of June, 1870; and of the third class, on the first Monday of June, 1871; so that one third of the board of managers, and the vacancies which may have happened since the preceding election, may be filled every year at the regular election of trustees for the town of Franklin: *Provided*, The person so elected to fill a vacancy shall only fill the unexpired term of his predecessor.

1868.

§ 22. That all the net earnings or profits of said college, over and above an amount necessary to employ teachers, professors, &c., and to meet all necessary and incidental expenses, shall be distributed *pro rata* among the stockholders in said corporation; and all that part going to the town of Franklin shall be paid over to the trustees of said town, who shall apply the same to the payment of the interest and bonds of said town, and it shall be so applied until the debt is entirely paid off and discharged.

§ 23. That this corporation shall hold a lot or parcel of ground, not exceeding fifteen acres, which, with the buildings erected thereon, shall always be used for school purposes.

§ 24. That an act incorporating "Franklin College," and an act to amend that act, heretofore passed at this session of the Legislature, be, and the same are hereby, repealed.

§ 25. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 718.

AN ACT to incorporate the Trustees of the White Baptist Church at Cane Run, Port Royal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Pollard, G. Coblin, and L. F. Boulware, are hereby created a body politic and corporate, under the corporate name of "The Trustees of the White Baptist Church;" and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, answer and be answered unto; and may have and use a common seal; and whenever either of them shall die or otherwise cease to be and act as one of said trustees, the said church shall have full power to elect or appoint a successor to fill such vacancy; and when said vacancy is so filled, the board of trustees are to have the same power that is hereby vested in the persons aforesaid.

§ 2. The said trustees shall have full power and authority to control, manage, and protect, by suit or otherwise, the church house of said "White Baptist Church" at Cane Run, at Port Royal, Kentucky, for the exclusive use and benefit of said church; but the church shall not, in anywise, be disturbed or interfered with in their use and control of the house.

§ 3. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 719.

1868.

AN ACT to incorporate the Blue Grass Agricultural, Mechanical, and Horticultural Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. Sam. H. Chew, Charles Tarlton, John R. Viley, William Hughes, James Ware, Thomas H. Shelby, jr., Henry Bowman, Hamilton Headley, Dr. L. Herr, and Thomas McDaniel, be, and they are hereby, created a body-politic and corporate in law, under the name and style of the Blue Grass Agricultural, Mechanical, and Horticultural Association; and by this name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding two hundred acres, and may improve, and sell and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of real and personal estate, as the president and directors of said corporation may deem necessary and proper. The said corporation may adopt and use a corporate seal, or may bind the corporation, by order of the board, by the signature of the president, as president for the time being, and until said common seal shall have been adopted.

§ 2. The prudential, fiscal, and other concerns of said corporation, together with all its estate of every kind, shall be under the control and management of a president, vice president, and ten directors; the vice president to have an equal vote as a director, and, in the absence of the president, to fill his place. They shall have power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require of such officers bond, with good security, for the faithful discharge of his or their duties. Said president, vice president, and directors shall have power to form a constitution, and make such regulations and by-laws, not inconsistent with the constitution and laws of this Commonwealth, as in their opinion may contribute to the good order and management of said association; and may, from time to time, so modify and repeal the same at their pleasure. They shall have power to contract and be contracted with in their corporate name, and do any and every other act, not inconsistent with the constitution and laws of this Commonwealth, which in their opinion will contribute to advance the object of said association.

§ 3. The object of this association shall be to promote improvement in the various departments of agriculture, in mechanics, and horticulture; and they may organize by electing a president, vice president, and ten directors, so

1868.

soon as the sum of five thousand dollars (\$5,000) shall have been subscribed, of which election two weeks' notice shall be given in one of the newspapers printed in Lexington; and the persons elected shall continue in office until the first Saturday in May, 1869, and until their successors are duly elected and qualified. An election shall be held on the first Saturday in May, 1869, for president, vice president, and ten directors, by the qualified voters of said association, who shall hold their office for one year or until their successors are qualified and installed, each stockholder being entitled to one vote for each share of stock he may own. An election of officers shall be held annually thereafter, unless the members of said association, at said annual election, shall fix upon a different day; and they may, at their annual election, reduce the number of directors.

§ 4. The capital stock of said company shall be divided into shares of twenty five dollars (\$25) each, and certificates of stock shall be issued in the form and manner that shall be designated by the by-laws of said company; and they may thus also designate the mode of the transfer of said stock.

§ 5. Any five members of the directory, together with the president, or, in his absence, the vice president, shall be a quorum for the transaction of business, unless the association shall fix on and require a different number.

§ 6. That no spirituous liquors shall be sold, directly or indirectly, during the continuance of any fair of the association, upon the premises used for such fair, nor shall any such liquor be sold, directly or indirectly, upon any lot, lane, road, or street adjoining the same, under the penalty of twenty dollars (\$20) for each and every such offense, to be recovered, together with costs, by warrant in the Lexington city court, or before the county judge for Fayette county, or any justice of the peace for said county; and each act of selling shall be a separate offense.

§ 7. The president or vice president, and chairman of any committee of the board of directors, shall have power to appoint and employ a sufficient police force to keep and enforce good order during the continuance of the fair; and such police force shall have the same powers to preserve good order, and prevent disturbances or breaches of the peace, or violation of the laws, as the police of the city of Lexington; and any person on the said grounds who shall be guilty of disturbing the peace and harmony of the fair, by violating the laws, rules and regulations, of said association, shall be arrested, and the policeman or officer making the arrest shall take the offender before the county judge of Fayette county, or any magistrate of said county, or the judge of the city court of Lexington, and there be

tried, and if found guilty, punished according to the laws of this Commonwealth regulating trials for breaches of the peace.

1868.

§ 8. The fairs of said association shall be held in the county of Fayette, at such time and place as the board of directors may select, until grounds shall have been purchased by said association. The fairs shall thereafter be held upon such grounds.

§ 9. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 720.

AN ACT to incorporate the Kentucky Cotton Mill Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard A. Robinson, Elias W. Kennedy, Thomas J. Tapp, Logan P. Kennedy, Jacob L. Smyser, Presley H. Tapp, George W. Wicks, Joseph Chamberlin, and John Watson, their associates, successors, and assigns, shall be, and are hereby, created a body politic and corporate for fifty years, by the name of the Kentucky Cotton Mill Company; and by and in such name the said corporation shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places, as a natural person, in this State or elsewhere; may have and use a common seal; may alter, change, or break the same at pleasure; may make all necessary by-laws and regulations for the government of the company and the management of its business, not inconsistent with the Constitution or laws of the State of Kentucky or the United States.

§ 2. The said company shall have power to purchase, lease, take, hold, acquire, and convey any real or personal estate, of any and every kind, in fee simple or otherwise, in this State or elsewhere; may buy and sell cotton, wool, and other textile material, or make, weave, and manufacture the same into any kind of goods, cloth, or fabrics; may transport their products, and manufacture and sell the same in or out of this State; and may buy and sell any and all kinds of goods, wares, or merchandise, and do business as manufacturers and merchants generally, in the city of Louisville.

§ 3. The capital stock of said company shall be five hundred thousand dollars, but they may commence business when the sum of one hundred thousand dollars shall have been subscribed and paid in, or the payment thereof secured to the satisfaction of the corporators or directors.

1868.

§ 4. The said stock shall be divided into shares of five hundred dollars each. The shares shall be personal property, and transferable on the books of the company as the by-laws shall direct; but the company shall hold a lien on the shares any stockholder may own for any debt such stockholders may owe the company.

§ 5. Each share shall entitle the holder thereof to one vote at all elections of directors and other meetings of the stockholders.

§ 6. The persons named in the first section of this act, or a majority of them, shall act as commissioners to receive subscriptions for stock, and shall fix the time and manner of paying the same; and in case any person subscribing for stock shall fail to comply with such regulations so made they shall have the power to declare such subscription void and the stock forfeited to the company.

§ 7. The business of the said company shall be transacted by not less than three or more than five directors, who shall elect one of their number president. The persons named herein as corporators, or any three of them, shall compose the first board of directors, who shall organize by choosing one of their number as president; but no person shall be eligible as president or director who is not the *bona fide* owner of at least two shares of the capital stock of the company. The said board of directors shall fill all vacancies in said board caused by death, resignation, or otherwise, and shall hold their offices and serve until their successors are duly elected and qualified.

§ 8. The time and manner of electing the directors and officers shall be fixed by the by-laws of the company, and also the number of directors necessary to make a quorum for the transaction of business; and the by-laws may provide for taking bonds from the officers and employees, to secure the faithful discharge of their duties.

§ 9. The president and board of directors shall have the power to employ such agents, clerks, mechanics, and laborers as may be necessary for the transaction of the business of the company, and fix the salaries of the same, said salaries to be paid as the board of directors may direct.

§ 10. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 721.

1868.

AN ACT to incorporate Tompkins Lodge of Free and Accepted Masons, No. 178, at Edmonton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. E. Sandige, the W. M., and E. C. Murry, and T. L. Salmon, senior and junior wardens, and their successors in office and associates, be, and they are hereby, created a body corporate, by the name and style of "Tompkins Lodge, No. 178, Free and Accepted Masons," at Edmonton, Metcalfe county, Kentucky; and they and their successors shall so continue, and have perpetual succession, and by that name are capable in law as natural persons to sue and be sued, plead and be impleaded, to contract and be contracted with, answer and be answered, in all courts of law or equity in this Commonwealth; to make, have, and use a common seal, and to alter and amend the same at pleasure; to make and ordain by-laws for their government, and to alter and amend the same at pleasure: *Provided*, They be consistent with the constitution and laws of the Grand Lodge of Kentucky of Free and Accepted Masons, and not inconsistent with the constitution and laws of the United States or of the State of Kentucky. The corporation shall have power to acquire and hold personal and real estate, not exceeding ten thousand dollars in value; to dispose of and convey the same at pleasure. The Legislature reserves the right to repeal or modify this act, but not to interfere with the right of property acquired by said corporation.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 722.

AN ACT for the benefit of Mountain Lodge, No. 187, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mountain Lodge, No. 187, of Free and Accepted Masons, shall be permitted to use so much of the second story of the court-house in Barbourville, Knox county, Kentucky, as may be necessary to hold their regular and called meetings, until such time as they may build a lodge hall: *Provided*, That the trustees of said lodge shall, as trustees, be responsible for any and all injury that shall be committed upon the court-house by the meeting of said lodge therein: *Provided*, That their meetings shall not interfere nor conflict with the courts to be held at said court-house.

§ 2. This act shall be in force from its passage.

Approved March 5, 1868.

1868.

CHAPTER 723.

AN ACT to incorporate Falls City Lodge, No. 376, Free and Accepted Masons, Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter be admitted as members, of Falls City Lodge, No. 376, of Free and Accepted Masons, at Louisville, Jefferson county, Kentucky, be, and are hereby, incorporated and made a body politic, under and by the name of "Falls City Lodge, No. 376, of Free and Accepted Masons;" and by that name shall have perpetual succession.

§ 2. The said corporation shall have power to sue and be sued, plead and be impleaded, in all the courts of the Commonwealth; to contract and be contracted with, and to acquire and hold real and personal property for Masonic purposes, not exceeding twenty-five thousand dollars, by gift, grant, purchase, devise, and bequest, and to sell and convey the same at pleasure; to adopt by-laws, rules and regulations, for its government, not inconsistent with the constitution and laws of the Commonwealth; to adopt a corporate seal, and change or alter the same when desired.

§ 3. The management of the concerns of said corporation shall be confided to the master, wardens, secretary, and treasurer of the lodge, as trustees, who, or a majority of whom, shall have power to make all contracts pertaining to the real and personal estate of the said corporation.

§ 4. The General Assembly may, at any time, alter, amend, or repeal the powers herein granted.

§ 5. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 724.

AN ACT allowing the Citizens of Clark County to pass to and from Church over the Turnpike Roads in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the people of Clark county to pass to and from church or funerals, free of toll, on turnpike roads now built, or to be made, in said county.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 725.

1868.

AN ACT to continue in force an act, entitled "An act to amend the Charter of the Louisville and Taylorsville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the Louisville and Taylorsville Turnpike Road Company," approved February 5, 1866, be, and the same is hereby, so amended as to strike out of section second of said act the words "to remain in force two years and no longer," and that said amendment remain in force indefinitely.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 726.

AN ACT for the benefit of the New Castle and Carrollton Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president, directors, and company, of the New Castle and Carrollton turnpike road company, be, and are hereby, authorized to charge toll upon all the road now completed, not to exceed the rates now prescribed by law.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 727.

AN ACT to regulate the manner of having Turnpike Roads in Clark County kept in order.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any two citizens of Clark county, interested in having a turnpike road kept in order in said county, may file their affidavit, before the county court judge of said county, that the road is out of repair to the extent that travel cannot pass as contemplated by the charter of said road, with convenience and safety to the traveler, and safety to carriages and other vehicles that commonly travel on turnpike roads in said county, it shall be the duty of said court to appoint one or more commissioners, not to exceed three, to examine the road, and report in writing to said court the condition of said road; and if the court shall be of opinion, upon the examining of said

1868.

report, that said road needs repairing, it shall order a summons to issue for the president of the road to show cause why said road is not kept in order, as contemplated by the charter of the said road, and should not be opened for travel free of toll; and if, upon the hearing their response, the court shall be of opinion that [said] road is out of order so as to delay travel, and that travel cannot pass over the road with that safety and comfort that it could do if the road was in good order, or in the condition contemplated by the charter of the road, the court shall order the said president to put said road in good repair, under the supervision of a commissioner, to be appointed by the court; and if said road is not put in good order within ten days from the time the president of said road is so notified, then it shall be the duty of the said court to have the gate or gates nearest the part of road out of order thrown open free to travel, and so continue until the road is put in good order, and the court shall so adjudge it. Either party may take an appeal from final order, in any case under this act, to the Clark circuit court.

§ 2. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 728.

AN ACT to incorporate the Bracken and Robertson County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company in-
corporated.

§ 1. That a company be, and is hereby, created, under the name and style of the Bracken and Robertson turnpike road company, which shall be a body-politic and corporate, for the purpose of constructing a turnpike road from the town of Mount Olivet, in Robertson county, to a point on the Brooksville and Claysville turnpike road, near where William Nesbit resides.

Capital stock.

§ 2. The capital stock of said company shall be thirty thousand dollars, which may be increased or diminished, until an amount sufficient to build said road be subscribed.

Commissioners
to open books
for subscription
of stock.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of John Rigg, Charles H. French, G. W. Bratton, David Workman, and Asael Woodward, of Robertson county; and Marcus Ware, John J. Jett, Samuel Jacobs, and William Workman, of Bracken county, any one of whom may procure a book or books, in which the subscribers of stock shall enter into an obligation, in substance as follows, viz:

Obligation of
subscribers.

"We, whose names are hereunto subscribed, do' respectively promise to pay to the Bracken and Robertson turn-

pike road company the sum of fifty dollars, for each and every share of stock in said company set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company.

1868.

§ 4. The books shall be opened as soon as said commissioners may think proper, and remain so until the whole capital stock, or enough to complete the road, shall have been subscribed.

When books
to be opened.

§ 5. As soon as five thousand dollars is subscribed, it shall be the duty of the commissioners, or some one of them, to give notice, by written advertisement posted up in Mount Olivet, and at two places near the line of the proposed road, of a meeting of the stockholders at some convenient point, for the purpose of electing officers, at which place at least two of said commissioners shall be present and superintend the election. There shall be elected a president and five directors, who shall hold their offices for one year from their election, and until their successors are elected and duly qualified. The said directors shall elect a treasurer and such other officers as they may deem necessary; and said treasurer shall, before entering upon the duties of his office, execute bond, with approved security, to the effect that he will perform the duties of his office; and whenever a demand is made upon him by the director or their authorized agent, pay over any and all sums of money that may be in his hands as treasurer.

When officers
to be elected.

President and
directors.

Treasurer to
be elected, and
give bond.

§ 6. It shall be lawful for the president and directors, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burthen, to enter upon the land, in and over, contiguous, and near to which said road shall pass, having first given notice of their intention to the owners or occupiers thereof, or their agents: *Provided*, That if the president and directors shall not agree with the owners of said land, over or through which said road is to pass, as to damages the owner or owners may sustain by reason of the road passing through their lands, the president and directors shall apply to the county court of the county in which said lands are situated for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road, after paying the owner the full value of the same.

May enter up-
on lands.

Writ of *ad
quod damnum*
may issue, and
proceedings
thereunder.

1868.

How stock
voted.

§ 7. The stockholders at all elections shall be entitled to one vote for each share of stock in said company, which vote or votes may be given in person, or by proxy in writing.

President
and directors to
take oath.

§ 8. The president and directors shall severally take an oath faithfully to discharge the duties of their respective offices to the best of their ability.

When may
street gates.

§ 9: That the president and directors of said road shall be authorized to erect a toll-gate or toll-gates on said turn-pike road, when the same is completed and examined by three justices of the peace noways interested in the road, who shall be appointed by the county court, who, with the aid of some competent person as engineer, shall view the road and report its quality and condition. The justices and engineer shall be paid by the company one dollar per mile for every mile so examined. Upon hearing the report, and any exceptions or proof that may be made in relation thereto, if it appear that the road has been constructed according to law, the court shall make an order authorizing the erection of the gate or gates, and the collection of toll, in pursuance to the rates established by law.

May let out
road to con-
tractors.

§ 10. That the president and directors shall have power to let out said road to contractors, on such terms and in such portions as they may deem beneficial to the interests of said company.

May sue and
be sued, &c.

§ 11. That said company may sue and be sued, plead and be impleaded, contract and be contracted with, and in all litigation shall be dealt with as a natural person.

Subscriptions
of stock may
be recovered by
suit.

§ 12. That any of the stockholders in said road failing to pay their calls when due, shall be subject to suit in any of the courts in this Commonwealth having jurisdiction of the matter in controversy; they shall likewise pay interest at the rate of ten per cent. per annum thereon until paid.

To keep record.

§ 13. It shall be the duty of the president and directors to keep a record of their proceedings in a well-bound book; and the same shall be open to inspection by the stockholders in said road at all times.

Road to be
controlled by
stockholders in
each county.

§ 14. That the stockholders living within Bracken county shall have control of so much of said road as passes through said county; and those living in Robertson shall have control of that portion lying within that county: *Provided*, That it may be optionary with the stockholders in said road to sever their interest, or to act jointly, as they may see fit.

Width & grade.
Bracken
and Robertson
counties may
take stock.

§ 15. That the grade and width of rock on said road shall be determined by the directors.

§ 16. That the county courts of Robertson and Bracken counties may subscribe one thousand dollars per mile for

each mile of said road that may be made through each of said counties, and may borrow money and issue bonds therefor, for the purpose of paying said subscriptions, at such time as the same may be necessary to facilitate the completion of said road: *Provided*, That a majority of the justices in each county shall be present and concur in said subscription and appropriation.

1868.

§ 17. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 729.

AN ACT to incorporate the Glenville and Mount Zion Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated to construct a turnpike or gravel road from a point on the Springfield and Bloomfield turnpike road, at or near where it crosses the Big Beech Fork, in Washington county, to the forks of the roads, near James B. Hays' residence, under the name of the Glenville and Mt. Zion turnpike road company; by that name they may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, purchase, and hold all real, personal, and mixed estate, necessary for the building of said road, keeping it in repair, and conducting it.

§ 2. That James B. Hays, William B. McMakin, Morton Moore, James W. Hollaway, F. R. Neale, Peter Shehan, William Shehan, Wm. R. Grigsby, George Shindler, J. H. Wakefield, Dr. Furgerson, Marion Shoemaker, and O. W. Styles, or any two of them, are appointed commissioners to open books and receive subscriptions for stock in said company at such times and places as they may see proper. That when three thousand dollars in stock has been taken, they shall call a meeting of the stockholders, at such time and place as they may designate, giving reasonable notice thereof, for the purpose of electing a president and five directors of said company, who shall hold their office for one year and until their successors are elected and enter upon their duties. The president and directors shall appoint a secretary and treasurer, who shall hold their office for one year or until their successors are appointed, unless sooner removed by the board.

§ 3. That the capital stock of said company shall be ten thousand dollars, but the company may increase it to any sum not exceeding twenty thousand dollars, divided into shares of fifty dollars each; and at all elections or meetings of the stockholders each stockholder shall be entitled

1868.

to one vote for each share of stock he owns. Said stock may be transferred on the books of said company by the holder thereof, in person or by power of attorney.

§ 4. That the president of the said company shall, once in each year, cause an election to be held for a president and five directors of said company, who shall have the management and control of the fiscal and prudential concerns of said company; and the president and directors named in the second [section] of this act shall have the same [power.]

§ 5. That the president and directors of said company may fix the grade and elevation of said road, and may make the width of the macadamized or gravel part of said road sixteen feet, or as much wider as they may deem proper, and may fix the termini of said road.

§ 6. That whenever two and a half miles, consecutively, shall be completed, the said company may erect a toll-gate and collect half tolls from the travel over said road. The said company shall have power to collect the same tolls as are allowed to be collected by the charter of the Danville and Hustonville turnpike road, approved 1st March, 1844, and the provisions of said charter, from the fourth to the thirty-fifth sections thereof, are made part hereof: *Provided*, This company shall not be required to insert its notices in any newspaper.

§ 7. That the president and directors of said road may let out any portion of said road, to be paid for in stock in said road, provided they do not allow for the construction of said road more than the estimated cost made by the engineer.

§ 8. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 730.

AN ACT to incorporate the Salt River, Otter Creek, and Big Spring Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, formed, for the purpose of making a turnpike road from a point in the county of Hardin, on the Louisville and Elizabethtown turnpike, at the top of Muldrough's Hill, about four miles south of the town of West Point, or the mouth of Salt river, running thence through Grahamton, on Otter creek, Meade county, to the town of Big Spring, in said county; also to make branches of said road, from the most desirable and practicable points on the line of said road, leading to Garnettsville and Rock Haven, in Meade county, and to

Bewleyville, in Breckinridge county, under the style of the Salt River, Otter Creek, and Big Spring turnpike company. 1868.

§ 2. That the capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

§ 3. That books for the subscription of stock of said company shall be opened on the first Monday of March, 1868, unless the commissioners shall appoint some other day, under the direction of the following commissioners: A. B. Montgomery, Silas Hart, Saml. Blakely, William J. Clemerson, A. M. Robinson, P. Z. Aylsworth, and P. P. Nevitt, of Grahamton and vicinity; Dr. H. K. Pusey, of Garnettsville; E. S. Graham, of Rock Haven; McH. Meadors, C. A. Craycroft, John Crutcher, Jos. Clarkson, Michael Whelen, Lewis Duval, and Dr. Strother, of Big Spring and vicinity; Samuel Dent and Jas. Thompson, of Bewleyville and vicinity. The books opened by said commissioners shall be headed as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, directors, and company of the Salt River, Otter Creek, and Big Spring turnpike company the sum of one hundred dollars for each and every share of stock set opposite our respective names, in manner and portion, and at such times, as shall be determined by the president and directors of said company. Witness our hands, &c." The said company shall give notice, by public advertisement at Grahamton, Garnettsville, Rock Haven, and Big Spring, of the time and place at which books shall be opened to receive said subscriptions by said commissioners, and kept open until one hundred shares shall have been subscribed.

§ 4. When ten thousand dollars (\$10,000) of said stock shall have been taken, the commissioners, or a majority of them, who are stockholders, may proceed to elect a president and six directors, who may appoint such other officers as they may deem necessary, to organize the company and conduct its business. When said company shall be thus organized, they shall be, and are hereby, created a body politic and corporate, by the style of the "Salt River, Otter Creek, and Big Spring Turnpike Company;" and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation for such purposes; and shall be capable of taking and holding said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, as may be found necessary to complete said turnpike road and its branches; and of purchasing and holding, to them and their successors and assigns, and also of selling, transferring, and conveying, in fee simple, all such lands,

1868.

tenements, and estate, real and personal, as shall be necessary to them in the prosecution of their work and the successful operation of said road; and of suing and being sued, pleading and being impleaded, defending and being defended, in courts of record or any other place whatever; and also to make, have, and use a common seal, to break, alter, and renew the same at pleasure; to make such by-laws and regulations, not inconsistent with the laws and Constitution of this Commonwealth and the United States, as shall be necessary for the well-ordering of the affairs of said company; and to do all and every other matter and thing which such a corporation for such purposes may lawfully do.

§ 5. That the width of such road shall not be less than thirty feet, nor more than sixty feet; and that the regulations as to gates allowed on said road, and the tolls to be charged, shall be subject to the general law on that subject.

§ 6. That the company is allowed gates on said road, to be located wherever said president and directors may determine.

Approved March 5, 1868.

CHAPTER 731.

AN ACT to amend "An act to incorporate the Smithfield and Shelby County Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Smithfield and Shelby County turnpike road company be, and the same is hereby, so amended as to authorize the directors of said road to charge and collect extra tolls on all wagons carrying over four thousand pounds, passing over said road between the 1st February and the 1st May in each and every year.

§ 2. Said road is further authorized to acquire, as now provided by statute, sufficient ground to make their road thirty feet in width.

§ 3. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 732.

1868.

AN ACT to authorize the City of Owensboro to Subscribe Railroad Stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Owensboro be, and the same is hereby, authorized to subscribe to the capital stock of the Owensboro and Russellville railroad company such number of shares, not exceeding four thousand, as may be determined upon by the mayor and council thereof; and to meet such subscription the said mayor and council may levy an *ad valorem* tax upon the property within the said city of not exceeding one hundred cents per annum upon each one hundred dollars' worth of taxable property therein, and a capitation tax of not exceeding two dollars and fifty cents upon each tithable in said city, for so long as said taxes may be required in order to the liquidation of such subscription of stock.

§ 2. That said city of Owensboro may issue the bonds of said city, bearing such rates of interest, not exceeding ten per cent. per annum, and maturing at such times as may be determined upon by said mayor and council, and may dispose of the same in the market on such terms as they shall see fit, the said bonds aggregating such a sum as that the net proceeds thereof will pay the subscription of stock to said railroad company as aforesaid.

§ 3. That nothing herein contained shall restrict or prohibit the said city from appropriating other revenues of said city to the payment of said stock.

§ 4. That the tax-payers of said city, on payment of the taxes that may be assessed against them, from time to time, by said city, shall thenceforward be substituted as stockholders in the said road company, each to the extent of the sum paid by him, and shall have the same rights and privileges as all other stockholders in the said road company.

§ 5. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 733.

AN ACT to amend the Charter of the Deposit Bank of Georgetown.

WHEREAS, The books for the subscription of stock in the Deposit Bank of Georgetown were closed before the whole of the capital stock thereof was subscribed, and there was no provision in the charter for the disposition or subscription of the remaining stock; for remedy whereof,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Deposit Bank of Georgetown shall be, and are hereby, authorized, at such times and places as they shall appoint, to open books for the subscription of the remaining stock of said bank, or any part thereof, or to sell said stock at such price as they may think proper: *Provided*, That said stock shall not be sold for less than its par value.

Approved March 5, 1868.

CHAPTER 734.

AN ACT for the benefit of Thomas Gaither, of Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Gaither, a citizen of Mason county, be, and is hereby, allowed to change his place of voting from the Mayslick to the Lewisburg precinct, and hereafter he shall be allowed to vote in the Lewisburg precinct at all elections.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 735.

AN ACT for the benefit of J. M. Glover, Jas. S. Evans, and others, of Montgomery County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting district, No. 5, Montgomery county, be so changed as to run from Mt. Sterling with the Mt. Sterling and Spencer turnpike road, to a point on the same opposite a lane that leads from said pike to a point on the Mud Lick dirt road, where the lands of Geo. W. Case and James S. Evans corner; thence with said Mud Lick road to the Mt. Sterling and Owingsville turnpike road, and thence with said pike road to Mt. Sterling; and that all persons living within said boundary, now by law entitled to vote, shall hereafter vote at the Mt. Sterling voting precinct, in Montgomery county.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 736.

1868.

AN ACT for the benefit of Oliver Fairchild, of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Oliver Fairchild, of the city of Covington, be, and he is hereby, relieved of all legal disabilities imposed on him by reason of his conviction and sentence to the penitentiary for the crime of arson, in the year 1851, and that he be restored to all the rights and privileges of other good citizens of this Commonwealth.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 737.

AN ACT for the benefit of J. P. Hendricks, Justice of the Peace of Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, directed to deliver to J. P. Hendricks, a justice of the peace of Muhlenburg county, one copy of "Myers' Supplement to the Revised Statutes," and to be delivered by said justice to his successor in office.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 738.

AN ACT for the benefit of the Representatives of John H. Harney.

WHEREAS, John H. Harney, late Public Printer of this Commonwealth, had employed S. I. M. Major as his agent and attorney in fact, to attend to the execution of the public printing; and said Major, both before and since the death of said Harney, has been engaged in the discharge of said duties; and it is represented to the General Assembly that the legal representatives of said Harney and said Major are all desirous the duties of Public Printer shall be continued, and be discharged by said Major as the agent and attorney for said Harney; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. I. M. Major, as agent and attorney in fact for John H. Harney, deceased, and for Martha W. Harney, the widow of said John H. Harney, shall be, and he is hereby, authorized and required to perform all the duties of Public Printer under the contract with said Harney,

1868.

for and during the unexpired term of office for which said John H. Harney was elected, and shall be entitled to receive from the Treasury the same rates of compensation for such services as are by law allowed to the Public Printer.

§ 2. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 739.

AN ACT for the benefit of Richard J. Hughey, late County and Circuit Clerk of Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, allowed R. J. Hughey, late county and circuit court clerk of Bracken county, to collect his fee bills as clerk aforesaid; and he may, for the time aforesaid, distrain therefor, in the same manner, and be subject to the same penalties, now provided by law for issuing and collecting illegal fee bills.

§ 2. This act to be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 740.

AN ACT for the benefit of Sarah A. and Julia G. Burton, of Mason County.

WHEREAS, Joseph W. Burton, of Mason county, Kentucky, lately departed this life intestate, leaving a widow, Sarah A. Burton, and one child only, born in lawful wedlock to him and said Sarah, named Julia A. Burton, now an infant nine years old; and whereas, said Joseph, at his death had title to a tract of land in said county of about one hundred and thirty-nine acres, situate near the town of Washington, which, as the title now stands, descended to said infant, Julia G., subject to the dower of said Sarah A.; and whereas, said Joseph bought said tract of land with the proceeds of the real estate of his wife, the said Sarah A. (given to her by her father, the late Charles Killgore), under an agreement made with his said wife to leave the said tract of one hundred and thirty-nine acres to her by last will and testament; and whereas, said Joseph departed this life suddenly, without having made such will according to his agreement and intention, leaving no other real estate, and but little personalty, whereby said Sarah A., his widow, is in danger of suffering great wrong, particularly should her said child, Julia G., die within age; now, therefore, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1868.

§ 1. That in the event that said Julia G. Burton dies under twenty-one years of age, without issue alive at her death, the estate aforesaid, which descended to her upon the death of her said father, shall descend to, and vest in, her said mother, Sarah A. Burton, and her kindred, according to the course and order of the statutes of this State, the infancy of the said Julia G. to the contrary notwithstanding.

§ 6. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 741.

AN ACT for the benefit of D. W. Parish, of Clark County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line of the Winchester voting precinct, in Clark county, be so enlarged to include Dabney W. Parish's residence in said voting precinct.

§ 2. This act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 742.

AN ACT to incorporate the Regular Baptist Church at Owenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. J. Mason, W. B. Duvall, and others, trustees, and their successors in office, and the officers and members of the Regular Baptist Church at Owenton, Owen county, be, and they are hereby, created a body-politic and corporate, by the name and style of the Regular Baptist Church at Owenton; and by that name to have perpetual succession, and to hold and use the lot they now have possession and ownership of, known on the plat of the town of Owenton as lot No. 1; and may purchase, take by devise, gift, bequest, or in any other way, any real or personal property, not exceeding one hundred thousand dollars in value, and the same to hold for the use and benefit of said church, according to the discipline and economy of the same; and to sell, convey, or in any other way dispose of the same, or any property which they now have; to have and to exercise all the powers necessary for and incident to religious corporations, not inconsistent with

1868. the Constitution of the United States or of this State; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, so far as may be necessary to protect the property, rights and privileges, of said church, and to secure any demand due or to become due to said church.

§ 2. That said trustees shall continue in office one year, or until their successors are elected or appointed, which shall be done in the manner and according to the rules which said church may prescribe; and vacancies shall be filled in the same manner, from time to time, as they may occur

§ 3. That a majority of the trustees shall constitute a quorum to do business; they shall appoint from their number a chairman and secretary; all transfers and conveyances of property by the church, and all written contracts, shall be signed only by the chairman and secretary, and all such conveyances of property shall pass the title of the church; they shall keep a full record of their proceedings, which shall at all times be open to the inspection of the officers and members of said church.

§ 4. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 744.

AN ACT to incorporate the Newport Newspaper Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hubbard D. Helm, Albert S. Berry, George R. Fearons, James Taylor, and James R. Hallam, their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, by the name of the "Newport Newspaper Company," for the purpose of establishing a newspaper and general printing office in the city of Newport, in Campbell county; and when organized, they shall exercise all the rights and privileges of corporations, and be governed by the laws relating thereto.

§ 2. The capital stock of said corporation shall be ten thousand dollars, divided into shares of twenty dollars each, which may be, after the organization of the company, increased to not exceeding fifty thousand dollars; and each share of stock shall entitle the holder thereof to one vote in all elections of the company.

§ 3. The incorporators named in this act, or any two or more of them, may open books for the subscription of stock, and receive such subscriptions, which shall be, when the sum of two thousand dollars in stock is subscribed, binding in law upon the subscribers, and may be collected

in such installments as the company, after organization, may prescribe by suit, with ten per centum damages thereon, or the same may be forfeited by direction of the board of directors, with any amount which may have been paid thereon; and the company may organize so soon as the said sum of two thousand dollars shall be subscribed in stock. 1868.

§ 4. The company shall be organized by the election of five directors, who shall select their own chairman, and such other officers, clerks, and agents, as they may see fit, and make such by-laws, rules and regulations, not inconsistent with law, as they may see fit: *Provided*, That the term of office of directors of said company shall be one year, and until their successors are chosen; and the first board of directors shall fix the time for the annual meeting of the stockholders.

§ 5. The said company may purchase and hold, and sell and convey when necessary, such real estate as they may deem fit in the conduct of their business; and this act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 745.

AN ACT to incorporate the "Hopkinsville Building Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John P. Campbell, John B. Knight, John P. Glass, Richard Durrett, and R. J. McDaniel, and their associates that may subscribe stock for the purpose of purchasing grounds and erecting buildings at Hopkinsville, Christian county, Kentucky, whenever the sum of ten thousand dollars shall have been subscribed, shall be a body politic and corporate, to be styled the "Hopkinsville Building Company," with power of contracting and being contracted with, of suing and being sued; to have and use a common seal, and renew and alter the same at pleasure; to purchase, receive conveyances of, hold, sell, and convey, all such real estate as may be necessary and requisite in the management and conducting of the business of said company, and to have all the usual powers incident to corporations of like character.

§ 2. The capital stock in said company shall not be less than ten thousand dollars, nor more than one hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and if one hundred shares or more have been already, or may be hereafter subscribed, the subscribers may proceed to organize.

1868.

§ 3. The prudential and fiscal affairs of said company, and the management and control of its property, shall be vested in five directors, elected annually by the stockholders, on such day of the year as the said directors may designate, each share of stock giving to the stockholder one vote, which may be cast in person or by proxy; the directors shall elect a president from among their number, three members constituting a quorum; and the president and directors shall have power to fill any vacancies in offices until the next regular election.

§ 4. The stock shall be payable at such times, and in such manner and amounts, as the president and directors may deem proper; the president and directors may cause books of subscription to be kept open until the whole amount of one hundred and fifty thousand dollars is taken, or they may sell and dispose of the stock.

§ 5. The president and directors may purchase ground or houses, building materials, may build, lease, rent, sell, and convey the same.

§ 6. The president and directors shall appoint a superintendent, secretary, and treasurer, and such other officers as may be deemed necessary for the management of the affairs of the company; one or more of these offices may be conferred upon the same individual, if the president and directors see proper to do so; and they shall require of the treasurer bond, with approved security, conditioned for the faithful discharge of all the duties of his office. The president and directors shall have power to pass by-laws for the management and government of the officers and affairs of the company, and to prescribe their duties; and they shall cause annual statements to be made out, showing the financial condition of said company, which shall be filed with the secretary for examination by the stockholders.

§ 7. The president and directors shall have power to coerce the payment of any arrears in subscriptions of stock, and may cause to be forfeited the stock of any person who fails or refuses to pay the calls as they are made, after giving such subscriber ten days' notice thereof; and no stockholder shall, in any meeting of the stockholders, have a vote so long as he or she is in arrears of the calls made by the president and directors.

§ 8. The stockholders, after they have paid the full amount of the stock subscribed by them, shall not be individually liable for any debt or obligation or contract entered into by the corporation.

§ 9. The said persons named in the first section of this act shall be the first board of directors of said corporation, and shall organize by choosing one of their number president. But if any of said persons shall fail to subscribe for as much as ten shares of said capital stock, or to pay in

on account thereof as prescribed, his or their place or places as directors may be deemed and treated as vacant, and the vacancies or vacancy filled by the remaining directors. And no person shall, at any time, be president or director in said corporation who does not own at least ten shares of said capital stock; and said president and directors shall provide by the by-laws for the annual election of president and directors, after one year from the first organization of the corporation; and the president and directors shall always hold their office until their successors are duly qualified.

1868.

§ 10. The president and directors shall, from time to time, make all necessary by-laws, rules and regulations, and alter and amend the same, not in contravention of the constitution and laws of the United States and the constitution and laws of the State of Kentucky, for the government of the corporation and the conduct of its business; and may provide for administering oaths and taking bonds from the officers and employees to secure the faithful discharge of their duties.

§ 11. The corporation hereby created is not empowered, but prohibited, from loaning money at a greater rate of interest than is, or may be, permitted by the laws of this Commonwealth.

§ 12. This corporation, so far as it is empowered to engage in the purchase of grounds and houses, and the erection of buildings, &c., is unlimited in the time of its continuance.

§ 13. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 746.

AN ACT to incorporate Christ's Church in Columbus, Hickman County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. Reed, M. H. Wright, James Morton, J. H. Bryant, M. M. Miller, H. S. Moon, J. W. Richardson, Frank Turner, and W. M. Mayes, vestrymen, and their successors in office, be, and they are hereby, incorporated, by the name of Christ Episcopal Church, Columbus; and by that name have perpetual succession; may sue and be sued, plead and be impleaded; may purchase, receive, and otherwise acquire and hold property, real, personal, and mixed, and may sell, lease, and otherwise dispose of the same; may have a corporate seal, and change the same at pleasure; and may make contracts and pass by-laws, not inconsistent with the laws of this Commonwealth.

1868.

§ 2. That the entire management of the affairs of said corporation is vested in said vestry, and their successors as such, chosen or elected according to the constitution and canons of the Protestant Episcopal Church of the Diocese of Kentucky, when assembled in vestry meeting; shall have power to regulate the powers and duties of officers, to lease or sell pews belonging to said church, and enforce the payment of the rents thereof, as may be stipulated in the lease or allowed by law.

§ 3. That all the real and personal estate belonging to, or held in trust for, the use and benefit of said church, or its congregation, be vested in the corporation created by this act.

§ 4. That said vestry and their successors are hereby authorized and empowered to establish such parish schools as they may deem proper, to be under their direction and superintendence, and to appoint thereto such teachers, professors, and other officers, as they may deem proper, and make such rules for their government and regulation as they may deem expedient: *Provided*, That none of the by-laws and regulations of said corporation be inconsistent with the laws of this Commonwealth. Said vestry and their successors shall have power to establish a library in connection with said church or school, and prescribe the terms upon which the same may be used.

§ 5. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 747.

AN ACT to incorporate the Hopeful Cemetery Company.

WHEREAS, M. Hamilton, of the county of Boone, and State of Kentucky, did, on the 27th day of January, 1868, by deed duly recorded in book No. twenty-four, page fifty-three, of the records of the county court of said county, convey to Ephraim K. Tanner, Aaron Tanner, and Martin L. Rouse, trustees of Hopeful church, in said county, and their successors in office, four acres and twenty-seven poles of land, to be used as a cemetery and burial ground; and whereas, it is desirable, in order to insure the most efficient management of the concerns of said cemetery, that there shall be a body-corporate for that purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said E. K. and Aaron Tanner and Martin L. Rouse, and their successors in office, to be chosen in the same manner that said persons were chosen, be, and they are hereby, made a body-politic and corporate in law, under the name, style, and title of the Hopeful Cemetery Com-

1868.

pany; and by that name shall be, and are, capable in law to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation of similar character.

§ 2. Said corporation may lay off said grounds into lots, avenues, and walks, and subdivide the grounds into lots for graves or vaults, and may sell the same at pleasure; which lots shall be used exclusively for burial purposes, and no other, except such portion of same as the said trustees may see fit to appropriate to horticultural purposes, and to beautifying and adorning the grounds. The said tract or lots of land are hereby forever dedicated and set apart, to be held by said trustees and their successors and assigns, for the purpose aforesaid. Said cemetery grounds and lots shall be forever free from attachment or sale for debt, and shall be free from State, county, railroad, or turnpike tax: *Provided*, That same shall still remain bound until the original purchase money to Hamilton is paid.

§ 3. Said trustees shall elect from their own body a president, who shall preside over their deliberations, and sign all writings on the part of the corporation which may be deemed necessary by the board of trustees. They shall keep a record of their proceedings. They shall have power to make all needful rules and regulations and by-laws for the government of the corporation, and control of the cemetery grounds and property. No road shall be run through the same, except such as the board may lay off. They shall cause to be made a fair and correct map of the cemetery grounds, showing the lots by blocks and numbers, a copy of which shall be recorded in the county court clerk's office. They may appoint such agents, superintendents, and officers as they shall consider necessary, and prescribe their duties. The trustees may dispose of the lots at public or private sale; and, upon payment of the purchase money, the board shall order a certificate to be given to the purchaser, signed by the president, attested by the secretary, which shall vest in him the title to the lot, which shall be recorded in the county clerk's office; and the clerk shall be entitled to a fee of twenty-five cents therefor; certificates may be proven or acknowledged as deeds are.

§ 4. This act to be in force and take effect from its passage.

Approved March 5, 1868.

1868.

CHAPTER 748.

AN ACT to incorporate the Bardstown Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. A. Wickliffe, James Muir, J. W. Muir, Jas. Coy, Joseph Brown, W. W. Metcalfe, A. S. Brooks, L. McKay, Sallie R. Blakey, Ben. Ellis, S. M. Murphy, J. T. Harris, A. K. Cox, and their associates and successors, he, and they are hereby, created a body corporate and politic, under the name and style of the Bardstown Cemetery Company; and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, and do all such other things as are incident to such a corporation. The said corporation shall have power to purchase or acquire title to any quantity of land in the county of Nelson not exceeding fifty acres, and receive a conveyance for the same, with such covenants of warranty as they may think proper. The lands and appurtenances, when conveyed to said company, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and a residence for a superintendent or sexton; and shall never be alienated, sold, or used by said company for any other purposes than burial lots, as hereinafter provided. The said company may receive, and take by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclusively to the ornament and improvement of said cemetery and grounds; and invest in State stocks or loan out any spare funds that, from time to time, they may have; but they shall never exercise, or attempt to exercise, any banking powers.

§ 2. The affairs of said company shall be managed by seven directors, who shall elect one of their number chairman; the said directors to be chosen annually by the lot-owners from among their number, on the first Saturday in April in each year; and if for any cause the election is not held at this regular annual meeting, it shall be held at the next lot holders' meeting. The said directors shall hold their offices for one year and until their successors are regularly elected.

§ 3. The said directors shall have power to appoint a treasurer, secretary, sexton, and such other officers as they may think necessary, and take from them such bonds as may be required. The secretary shall keep a full and fair record of all the proceedings of the corporation, and shall always preserve an accurate map and survey of the grounds and lots, and the same shall be recorded in the county court clerk's office of Nelson county. The funds arising from the sale of lots for burial purposes, and all other funds of the corporation, shall be held and used ex-

clusively for keeping said grounds in repair, and ornamenting and improving the same, and paying the salaries and expenses of the necessary officers.

1868.

§ 4. The said directors shall have power to lay out and ornament said grounds, and, from time to time, alter and repair the same, and add such buildings and fixtures as may be necessary for the use or ornament of the cemetery grounds. They shall have power to lay off, sell, and convey burial lots, either at private or public sale; to make, from time to time, all such by-laws, rules and regulations, as may be necessary for the purposes of the corporation. They may levy a tax on the lot-owners in said cemetery to raise the necessary funds for keeping said grounds in repair.

§ 5. When a burial lot is purchased the directors shall give a certificate thereof, under the seal of the company, which shall vest the purchaser with title. This may be transferred according to such rules and regulations as may be prescribed by the company, but in no other way. If not transferred by the grantee, it shall descend or pass by devise, as other real estate. Such lots shall never be used for any other purposes than burial lots, and if applied to any other purpose, the title shall revert to the corporation.

§ 6. The said directors shall have power to forfeit any lot or lots in said cemetery grounds taken up by any person or persons who shall fail to make payment for such lot or lots; and, where any interments have been made on any such lot or lots, the directors shall have the power to enter upon the same and remove or cause the bodies to be removed to the public grounds in said cemetery: *Provided*, That the said directors shall, before forfeiting any such lot or lots, give a written notice to the person or persons in whose name such lot or lots are entered, of at least thirty days before such action; and if such person or persons cannot be found, then said notice is to be posted on said lot or lots for sixty days before such action.

§ 7. If any person shall forcibly or unlawfully violate any of the graves of the dead, or deface or remove any of the tombstones, monuments, or inclosures, or injure any of the grounds or inclosures of the company, such person or persons so offending, besides being liable to an indictment for misdemeanor and punishable according to the discretion of a jury, shall be liable to the corporation, or to the owner of a lot, in an action for whatever damage may be committed.

§ 8. This act to take effect from its passage.

Approved March 5, 1868.

1868.

CHAPTER 749.

AN ACT to incorporate the Odd Fellows' Mutual Life Assurance Association of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

- Corporators' names.** § 1. That George S. Moore, Columbus Chamberlin, W. H. Bartholomew, and Wm. E. Craig, with their associates, successors, and assigns, be, and they are hereby, created a corporation and body politic, with perpetual succession, by
- Name & style.** the name, style, and title of "The Odd Fellows Mutual Life Assurance Association of Louisville, Kentucky," for the purpose of organizing and conducting an association for the benefit of the widows and orphans, or assigns, of deceased members; and in that name are hereby made as
- Corporate powers.** capable in law as natural persons to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this Commonwealth or elsewhere; and to make, have, and use a common seal, and the same to alter or change at pleasure.
- Corporators to open books.** § 2. Said corporators may, at their convenience, open books for the enrollment of members, and shall prescribe the necessary qualifications of members, and establish the admission fee to be paid by each member, which shall not exceed ten dollars, and an annual fee which shall not exceed one dollar, for contingent expenses; and so soon as one hundred members are enrolled, they shall proceed to organize the association by electing a board of seven directors, who shall be members of the association, and shall serve for the period of one year. Each member enrolled shall be entitled to one vote in the election of directors, and upon every succeeding twelve months from the day of the first election, the members shall proceed in like manner to elect a board of directors to serve during the ensuing twelve months.
- Term of office of directors.** § 3. Each board of directors shall elect a president, secretary, and treasurer, to serve during their term of office.
- May adopt laws for government of association.** § 4. The board of directors shall enact such by-laws, rules and regulations, as they may deem necessary for the government of the association, and shall have control and management of the funds and business of the association.
- Fees for membership.** § 5. The first board of directors, as soon as organized, shall prescribe the mode and manner of collecting the admission fee from the enrolled members, and any member failing to pay said fee within the time specified by the directors, shall cease to be a member of the association, and forfeit all rights and privileges he may have possessed as such, until such additional fee is paid as the board of directors may prescribe; and all persons becoming members

after the association is organized shall pay the admission fee at the time of enrolling their names.

1868.

§ 6. The fund accumulated from admission fees, and interest or dividends accruing therefrom, may be invested in stocks, bonds, or mortgages, subject only to the order or control of the board of directors.

Disposition of funds.

§ 7. Upon the death of a member, the officers of the association, upon ascertaining that the member was not in arrears to the association, and was in good standing in the lodge to which he may have belonged, shall make an assessment of two dollars upon each and every member of the association, which shall be payable to the secretary within thirty days thereafter, on penalty of forfeiting all rights and privileges in the association; and the aggregate amount of the assessments shall, at the end of thirty days, and within ten days thereafter, be paid to the widow and orphans of said deceased member; failing these, it shall be paid to the father and mother; failing these, to the brothers and sisters; or, it may be paid in any manner which may have been prescribed in writing, and filed with the association by the deceased member: *Provided*, That the widow and orphans shall be first entitled. No legal power or process whatever shall restrain the officers of this association from paying all amounts due the beneficiaries of deceased members to such beneficiaries or their legal representatives, and shall in no case be liable for debts due by such deceased member at the time of his death.

Benefits to whom and how paid.

Private debts to have no claim on benefit fund.

§ 8. No person shall be entitled to admission into this association, except he be a member in good standing of some lodge of the Independent Order of Odd Fellows held in the city of Louisville, State of Kentucky, in good health at the time of application, and not over sixty years of age.

Qualification of members.

§ 9. The business office of this association shall be in the city of Louisville, Jefferson county, State of Kentucky; and the board of directors may call a general meeting of the members whenever, in their judgment, the interests of the association may require.

Location of office.

§ 10. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 750.

AN ACT to incorporate the St. Michael's Benevolent Society of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Mathew Curron, E. D. Barret, J. L. Brody, P. Burk, and Pat. Carroll, and their successors, be, and they are hereby, created a body-politic and corporate, by

1868.

the name and style of the St. Michael's Benevolent Society of the city of Louisville; and by that name may sue and be sued, answer and be answered; and may make and ordain such by-laws and rules, for the government of said society, as they may think proper and necessary, not inconsistent with the Constitution of the United States or of the State of Kentucky, and they may alter or amend the same at any time: *Provided*, Said society shall not exercise any banking privileges.

§ 2. The General Assembly reserves the right to alter, amend, or repeal this act at pleasure.

§ 3. This act shall take effect from its passage

Approved March 5, 1868.

CHAPTER 434.

AN ACT to amend an act, approved March 2d, 1865, entitled "An act allowing School Districts to levy a District School Tax."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act allowing common school districts to levy a district school tax," approved March 2d, 1865, be, and the same is hereby, amended as to allow common school district No. 25, in the county of Grant, to levy and collect a tax of not exceeding twenty-five cents in any one year on the one hundred dollars' worth of taxable property in said district, for the purpose of paying for a school house.

§ 2. The election and other proceedings under this act shall be governed by said act approved March 2d, 1865.

§ 3. This act shall take effect and be in force from its passage.

Approved February 13, 1868.

CHAPTER 526.

AN ACT to amend the Charter of the Louisville and Nashville Railroad Company, approved March 5th, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville and Nashville railroad company, approved March 5th, 1850, be, and is hereby, so amended, as to authorize said company, by a vote of a majority of the board of directors thereof, by legal means, to acquire an interest in, or to unite or consolidate with any railroad company or companies chartered by the laws of any other State or States, whose railroad may connect with the Louisville and Nashville railroad, or

1868.

with which the Louisville and Nashville railroad company may now have a contract for a consolidation of their companies, so as to make the same one company, with a consolidated stock and property, with one board of directors to manage and control the affairs of said company, and with power in the Louisville and Nashville railroad company to form such consolidation, by the purchase of the railroad or railroads, other property-rights, franchises, and privileges of such other company or companies, or by any other legal mode they may select: *Provided*, A majority in interest of the stockholders shall accept this amendment, and authorize the board of directors to act thereon.

§ 2. That in order to enable the Louisville and Nashville railroad company to effect the purposes specified in the preceding section of this bill, the said company is hereby authorized to issue and sell, either before or after such consolidation, the bonds of the company, signed by the president, and countersigned by the secretary thereof, with the seal of the company affixed, and coupons for interest attached, and signed by said secretary, to an amount not exceeding eight millions of dollars, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and the bonds and coupons to be payable at such place or places as the company may select, and the bonds to be payable at a period not exceeding thirty years from their respective dates.

§ 3. That in order to secure the prompt payment of the interest and principal of the bonds issued by virtue of this bill, said company shall have power to execute a mortgage or a deed of trust, to a trustee or trustees, and to fill any vacancy that may occur by reason of the death, resignation, or removal of such trustee, upon the main line of railroad, the branches, and other property-rights, privileges, and franchises of said company, including any railroad and property-rights, franchises, and privileges that they may acquire by such consolidation as aforesaid, whether such railroad and property-rights, franchises, and privileges be within the State of Kentucky or in any other State or States; and said mortgage or deed of trust shall contain such stipulations as may be deemed necessary, and the most effectual, in securing the payment of the interest and principal of said bonds at the maturity of the same.

§ 4. That said mortgage or deed of trust, and any foreclosure of the same, shall be for the benefit of all the holders of said bonds; and the Louisville chancery court, in the State of Kentucky, or any other court of similar jurisdiction in the city of Louisville, shall have exclusive jurisdiction over all proceedings instituted for such foreclosure, by proper decree in a proper case made in such court; and upon the institution of proceedings for a foreclosure, it

1868.

shall be the duty of the president of the company to file in the cause a perfect list of the bonds issued by authority of this bill, verified by his affidavit; and no decree of foreclosure by a sale of the property-rights, franchises, and privileges, conveyed by the mortgage or deed of trust, shall be executed until ninety days' notice of the time and place of sale shall have been published in one or more of the newspapers published in the cities of New York, Louisville, Nashville, and Memphis; and any purchaser at such sale shall, upon the payment of the purchase money, be vested with the property-rights, franchises, and privileges conveyed in the mortgage or deed of trust purchased by him under such decree.

§ 5. That it shall be the duty of said company to create and secure an ample sinking fund, for the payment of the interest as it falls due, and for the redemption of the bonds at maturity.

§ 6. That should the Louisville and Nashville railroad company form such consolidation as specified in the first section of this bill, with any railroad company chartered by any other States as aforesaid, they shall have power to adopt such corporate name as they may select; and in such name shall have all the powers and privileges heretofore conferred upon said company by the laws of the States of Kentucky and Tennessee.

§ 7. This act shall take effect and be in force from its passage.

Approved February 21, 1868.

CHAPTER 751.

AN ACT to incorporate "The Kentucky Club," at Louisville.

WHEREAS, William Johnston, J. Louis Schrøder, James C. Johnston, Rudolph Fink, Jas. S. Pirtle, Jephtha Brown, Thomas Maize, David W. Yandell, R. W. Woolley, Henry E. Read, Lem. S. McHenry, J. Fry Lawrence, Boyd Winchester, B. Frank Carsner, Charles P. Rudd, Robert A. Johnson, Phil. Lee, Wm. L. Jackson, and their associates, have formed an association, in the city of Louisville, for the purposes of refined social enjoyment, general improvement, and a generous hospitality to strangers visiting the city, under the name of "The Kentucky Club;" and said association desires corporate powers, that it may carry on its business as a body, and own and hold property for its uses as a club, and for no other purposes; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said above named parties, and their associates, be, and are hereby, created and made a body politic

and corporate, under and by the name of The Kentucky Club. 1868.

§ 2. That the said corporation, by said name, may sue and be sued in any of the courts of the Commonwealth; it may contract and be contracted with in all matters concerning its business as a club; it may have and use a private seal, and break and alter the same at will; it may adopt such constitution and by-laws as may be necessary for its organization under this charter, and for its government, not inconsistent with the constitution and laws of this State; and it shall have all the general rights, privileges, and liabilities of incorporated bodies.

§ 3. The said corporation may take and hold, by purchase, gift, grant, devise, or bequest, personal property to the value of \$25,000, and real property to the value of \$50,000; but the said property shall be used as a clubhouse and its appendages and appurtenances, and for the purpose of supporting and carrying on the said corporation alone. And the said corporation shall not engage in any other business save that of conducting and controlling its club and club house.

§ 6. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 752.

AN ACT to incorporate the Mutual Benevolent Police Union, No. 1, of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Hipwell, B. E. Jarboe, W. A. Foreman, A. Gilmore, R. Gilchrist, and their associates, successors, and assigns, shall be, and they are hereby, created a body politic and corporate, for thirty years, by the name of Mutual and Benevolent Police Union, No. 1, of Kentucky; to be located in the county of Jefferson, State of Kentucky; with power and authority to contract and be contracted with, to sue and be sued, to plead and be impleaded, as natural persons, in all the courts and places whatever; and use a common seal or not, as the board of directors may determine.

§ 2. The treasurer is empowered to retain in his hands at all times the amount of one thousand dollars to defray the expenses incurred through sickness or death of any of the members of the association; but all sums thus expended shall be with the consent of the majority of the members at a regular meeting, provided a quorum be present.

1868.

§ 3. The association shall have the right to invest all surplus amounts of moneys that may, from time to time, accrue, by the purchase of real estate in fee; or loan or mortgage, at such rates of interest, and at such times, as the majority of all the members may determine.

§ 4. This association may make its own by-laws, provided they be not repugnant to this act or the laws of the State of Kentucky or of the United States, or in violation of prior rights acquired from said association.

§ 5. That, on or before the first day of May, 1868, the members shall meet and elect three as a standing committee; in connection with the president, vice president, recording secretary, financial secretary, treasurer, and doorkeeper, shall constitute the board of directors, to be elected annually by the members, and to hold their office until their successors shall be elected.

§ 6. The association hereby incorporated shall have power, at any time, by a vote of a majority of all its members, after at least thirty days' notice of such purpose, to disband and cease to exist; in which case all funds and assets belonging to, and remaining in the hands of, said corporation, after all just demands against the same be paid, shall be divided *pro rata* among the members belonging at the time of such dissolution.

§ 7. This act shall be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 753.

AN ACT to incorporate the Iron Moulders' Union, No. 18, of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons who are, or shall hereafter be, members [of] Iron Moulders' Union, No. 18, of the city of Louisville, shall be, and they are hereby, created and declared one body politic and corporate, by the name, style, and title of the "Iron Moulders' Union, No. 18, of the city of Louisville; and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere; and to purchase, receive, have, hold, and enjoy, to them and their successors, lands, tenements, rents, annuities, hereditaments, goods and chattels, of what nature, kind, or quality soever, real, personal, or mixed, or choses in action; to have and use a common seal, the same to alter and renew at pleasure; and to have perpetual succession in its corporate capacity.

§ 2. The capital stock of said union shall not exceed fifty thousand dollars, to be created in such manner as the by-laws may provide, and from the annual dues and fees of the members.

1868.

§ 3. The fiscal affairs of said Union shall be under the direction of such board of officers as by the by-laws may be chosen to take charge of the same; may require of its treasurer and other officers to give bond and security for the faithful discharge of their duties.

§ 4. There shall be established a permanent fund for the relief and support of the members in case of sickness or disability, and burial; also for the relief of the widows and orphans. The said permanent fund, so established, shall be invested; and, at the end of five years from the date of the passage of this act, the interest only shall be appropriated to the object for which the fund was established, and to no other purpose whatsoever. The board of officers having charge of this fund shall annually make a detailed statement of the condition of said fund, and shall annually or oftener settle the accounts of the treasurer. The union may exercise the right of appointing a committee to inquire into the application and investigate the condition of said fund, and, in case of misapplication or mal-conduct of the treasurer or any other officer, he or they may be called to account before the union, and, if found guilty, may be fined, suspended, or expelled.

§ 5. This union shall have the power to do whatever is right and proper to carry out the objects and purposes of its creation, and to invest their funds in such manner as may be most profitable; to ordain, establish, and put into execution all such by-laws, rules and regulations, by them deemed necessary and proper for the general government thereof: *Provided*, They be not repugnant to this act or the laws of the State of Kentucky or of the United States.

§ 6. This act to be in force from and after its passage.

Approved March 5, 1868.

CHAPTER 754.

AN ACT to incorporate the Southwestern Furniture Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Frederick Wilkens, Augustus Sense, Charles Graen, Henry Hehle, and Charles Hach, their associates and successors, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "South-

1868. western Furniture Manufacturing Company;" and by that name have perpetual succession, and contract and be contracted with, sue and be sued, plead and be impleaded, in all courts in this Commonwealth and elsewhere; and are hereby established and incorporated for the purpose of manufacturing household and other furniture in the city of Louisville and county of Jefferson; to have all the rights necessary to carry on said business, and all the rights granted to other corporate bodies in this Commonwealth, except banking privileges; and may use a common seal.

§ 2. The business of the company shall be conducted under the control and management of one secretary, one foreman, and three directors, constituting a board of five directors, elected by the stockholders from among their number, who shall hold their offices for one year and until their successors are elected and qualified. The stockholders shall have power to make all by-laws, rules and regulations, not inconsistent with the constitution and laws of this Commonwealth or the constitution and laws of the United States, necessary, or which they may deem necessary, for the regulation of themselves, and for carrying on the business of the company; to fix the time for holding the annual election of directors; to fill any vacancies that may occur in the board between the annual elections, and to do all other things necessary to be done in the premises.

§ 3. The capital stock of said corporation shall be nine thousand eight hundred dollars, and may be increased by the stockholders to any sum not exceeding twenty-five thousand dollars, in shares of seven hundred dollars each. The board of directors shall have power to appoint any agents or officers for carrying on the business, and fix their compensation.

§ 4. The said company, as a corporation, to have power to purchase and hold real estate, in fee or by lease, and to purchase, hold, and put up all necessary buildings, machinery, and other things, and to acquire and hold any and all other property, and to sell and convey the same by deed or otherwise, and generally to transact any business connected with the establishment. The stock of said corporation to be considered personal property.

§ 5. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 755.

1868.

AN ACT to incorporate the "Louisville Shooting Club."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Elias D. Lawrence, Clarence J. Prentice, Isaac H. Tyler, David W. Yandell, Henry McDowell, E. W. Mason, and such other persons as now are, and from time to time shall become, members of the club, are hereby created a body corporate and politic, under the name and style of the "Louisville Shooting Club;" and under that name shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, in all courts, both of law and equity, in this State; and may have and use a common seal, and alter or renew the same at pleasure; and by their corporate name and style shall be capable, in law, of contracting and being contracted with, and acquiring, by purchase or otherwise, and of holding and conveying, real and personal estate, either in fee or for a term of years : *Provided*, That they shall not, at any one time, hold property exceeding fifty thousand dollars in value.

§ 2. The object and purposes of this association is to advance the interests of the legitimate sportsman in all that pertains to hunting and fishing, and to encourage the enactment and enforcement of such laws as may tend to the protection and increase of game and fish.

§ 3. Said corporation shall at all times have power and authority to ordain, make, and establish such constitution, by-laws, rules and regulations, as they shall judge proper for the creation of their officers, the government and regulation of the members, the well-being of the club, and all matters pertaining to its objects and interests, and to alter and amend the same at pleasure : *Provided*, The same be not inconsistent with the laws of this State or of the United States.

§ 4. The constitution or by-laws of said club may provide for the subscription of stock in said club, the division of the same into shares, the manner of transfer of stock, and restrictions and limitations therein, and the method of collections of the same.

§ 5. In all suits of law or in equity brought against the club, and in any suit brought by the club against any of its members, or against any other person or persons, any member of the club shall be admitted as a competent witness.

§ 6. This Legislature reserves the right to alter, amend, or vacate this charter at pleasure.

§ 7. This act shall take effect from and after its passage.

Approved March 5, 1868.

1868.

CHAPTER 756.

AN ACT to incorporate the Platonian Literary Society of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Orlando B. Wilson, James F. Buckner, jr., Carey Peter, James F. Huber, Enoch Breeding, Henry Glover, Horace Platt, their associates and successors, be, and they are hereby, constituted a body-politic and corporate, by the name and style aforesaid; and by that name shall have perpetual succession, and are empowered to receive by gift, grant, purchase, and devise, such real estate and personal property as may be necessary for the proper enjoyment of their corporate rights as a literary society, not to exceed five thousand dollars in value; and to sell, exchange, transfer, and assign the same at pleasure; and to form and adopt a constitution and by-laws, not inconsistent with the laws and constitution of this Commonwealth and of the United States, for the good government of said society and the management and regulation of its affairs.

§ 2. That said society may, at such times as may be determined by its constitution and by-laws, elect a president, vice president, secretary, treasurer, and such other officers as they may think fit to elect or appoint.

§ 3. That said society may sue and be sued, implead and be impleaded, in all the courts of this Commonwealth, by its corporate name; and in all suits against the society, service of process on the president, or, in his absence, on the secretary or treasurer, shall be sufficient,

§ 4. The Legislature reserves the right to alter, amend, or repeal this charter at any time.

§ 5. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 757.

AN ACT to amend an act, entitled "An act to extend the Charter of the Louisville Gas Company," approved January 30, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That should the city of Louisville not elect to take the Louisville gas works, as provided for and permitted by the eighteenth section of the now existing charter of said company, no company shall organize under the act to which this is an amendment, unless said company so organized, or proposing to organize, shall agree to become bound in conformity to the agreement which the present gas company has entered or proposed to enter into with said city, and which was approved by the board of com-

mon council of said city on the ninth of January, 1868, and by the board of aldermen on the twentieth January, 1868; and any organization made under the act to which this is an amendment shall be held as made in conformity with, and subject to the terms and provisions of, the aforesaid agreement.

1868.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 758.

AN ACT to amend an act approved 7th March, 1867, entitled "An act to incorporate the Louisville Burial Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to incorporate the Louisville Burial Association, approved March 7th, 1867, be, and the same is, amended as follows: The name of said association shall be the "Southwestern Mutual Relief Association, of Kentucky."

§ 2. That the words, in second section of said act, "which shall not exceed ten dollars," (\$10) be stricken out.

§ 3. That section six be stricken out, and the following substituted therefor: "The payment of ten dollars, on admission to membership, shall entitle the representatives of a deceased member to the sum of one thousand dollars, and each additional ten dollars to an additional one thousand dollars, payable within thirty days after the death of a member."

§ 4. That section seven be amended as follows: Instead of the words "Not exceeding one dollar and ten cents," insert "For such amount as may be necessary to reimburse the association for the full amount paid out, including the necessary expense incident to its collection."

§ 5. That all that portion of section seven, between the words "regular admission fee" and "each member of the association," be stricken out.

Approved March 5, 1868.

CHAPTER 759.

AN ACT to change the County Line between the Counties of Mason and Robertson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county line between the counties of Mason and Robertson, where it runs through the farm of Littleton

1868.

Dryden, be, and hereby is, so changed as to include the dwelling-house and curtilage of said Littleton Dryden within the boundary of the county of Mason.

§ 2. This act shall be in force from its passage.

Approved March 5, 1868.

CHAPTER 760.

AN ACT for the benefit of the Justices of the Peace and Constables in Campbell County.

That whereas the law, as it now exists, requires the justices of the peace and constables, in Campbell county, to make their return and reports to the judge of the criminal court, or to the trustee of the jury fund, at each regular term of said court in said county; and whereas, three terms of said court are held in the city of Newport, in the extreme northern portion of said county, and a large number of said officers live in the opposite extreme portion of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so many of the justices of the peace and constables as live nearer to the town of Alexandria than to the city of Newport, in Campbell county, be, and the same are hereby, authorized to make their reports and returns of all fines and forfeitures assessed and collected by them to the trustee of the jury fund for said county, on the first day of each term of said court at Alexandria, in said county.

§ 2. Provided, that nothing in this bill shall be so construed as to prevent those justices of the peace and constables living nearer the city of Newport than to Alexandria, in said county, from making their reports and returns to said trustee on the first day of said court at its regular term at Newport.

§ 3. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 762.

AN ACT to establish an additional Justices' and Voting Precinct in Marshall County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional justices' district be, and the same is hereby, established in the county of Marshall, bounded as follows, viz: Beginning at the southwest corner of Mar-

shall county, and running thence east to the southeast corner of section two, township three, range three east; thence north with the section line to the southeast corner of section two, township four, range three east; thence west with the section line to the county line; and thence south with the county line to the place of beginning.

1868.

§ 2. That the said district shall be the voting precinct for the qualified voters within the said boundary thereof. The voting place shall be at the residence of Alexander Smith; and the sheriff of Marshall county shall post up notices, in writing, of the boundary of the precinct and place of voting, at six suitable places in said district.

§ 3. That the county court shall appoint a constable in said district; and the county judge shall recommend two suitable persons in said district, who shall be commissioned as justices of the peace in said district, and who, with the constable, shall hold their offices, after duly qualifying, until the next regular election to fill such offices or vacancies therein; and the said county court shall fix the days for said justices' courts, and shall have power to alter the district, or change the place of voting, as now provided by law.

§ 4. That it shall be the duty of the Secretary of State to furnish the two justices of the peace in said district with the proper law books and acts of the General Assembly, at his earliest convenience after said commissions are issued.

§ 5. This district shall be known as district number eight.

§ 6. This act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 763.

AN ACT to amend an act, entitled "An act to establish two additional Justices' Districts in the County of Mason."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish two additional justices' districts in the county of Mason," approved February 13th, 1868, be, and the same is hereby, so amended, that the justices elected in the two additional districts, as therein provided for, shall not be allowed to vote or act with the other justices of said county in subscribing the stock or making the levy of the tax, or ordering the collection of the same, as authorized by an act, entitled "An act providing for the subscription of stock in railroad companies by the county of Mason," approved March 2d, 1867; but the said subscription of stock, and the levy of said tax,

1868.

and the ordering of the collection of the same, shall be made by the justices of said county who were in office at the time the election was held in said county, as provided for in the last above mentioned act, or by their successors in office.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 764.

AN ACT to change the boundary line of the Prestonsburg Voting Precinct and Magistrates' District, in Floyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line of the magistrates' district and voting precinct in Floyd county, in which is situated the town of Prestonsburg, and known as the "Town Precinct," be so changed as to include the lands owned by James P. Harris, and lying immediately above the mouth of Middle creek.

§ 2. That the boundary line of said district and precinct shall also include the farm upon which Solomon Durossett and others now live, and all the lands lying immediately upon the river belonging to the widow and heirs of John P. Martin, deceased, between said farm and the town of Prestonsburg.

§ 3. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 765.

AN ACT to repeal an act, entitled "An act in relation to Flat Creek Precinct, in Grant county," approved March 14th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act in relation to Flat Creek precinct, in Grant county," approved March 11th, 1867, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 766.

1868.

AN ACT to repeal an act, entitled "An act to divide District No. 3, and to establish District-No. 7, in Johnson County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved February 11th, 1867, entitled "An act to divide district No. 3, and to establish district No. 7, in Johnson county," be, and the same is hereby, repealed.

§ 2. That the justices of the peace and constable now holding office in district No. 3, in said county, and known as the "Old Flat Gap," shall have jurisdiction over the whole of the boundary embraced within said district No. 3 prior to the act approved February 11th, 1867.

Approved March 5, 1868.

CHAPTER 767.

AN ACT to establish an additional Voting District in Floyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting district be, and the same is hereby, established in the county of Floyd, and bounded as follows: Beginning at Joel Martin's, on the left hand fork of Beaver creek, including said Martin; thence a direct line to the top of the dividing ridge between the right hand and left hand forks of Beaver; thence up said dividing ridge to the Pike county line, at the head of left Beaver; thence with said line to the dividing ridge between left Beaver creek and Mud creek; thence down said dividing ridge, so as to include all the voters on Frazier's creek, to a point opposite the beginning; thence down the point below the branch, near the house of said Joel Martin, to the beginning.

§ 2. That the district hereby created shall be known as the "John Bud Harris precinct," and the voting place therein shall be at the house of Allingson Justice; and no person living within the boundaries of the precinct hereby created who, by law, would have been entitled to vote in the precinct before this change shall have been made, shall be deprived of the right to vote in the precinct hereby created because of not having resided sixty days therein previous to the next election.

§ 3. Officers of election for the district hereby created shall be appointed by the county court of Floyd county, as now required by law for other districts in said county.

§ 4. This act to be in force from its passage.

Approved March 5, 1868.

1868.

CHAPTER 768.

AN ACT to change the Voting Place in District No. 4, in Butler County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in precinct number four, in said county, be, and the same is hereby, changed from the spring to the school-house, on the Morgantown and Brownsville road, on the same tract of land on which it is now held.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 769.

AN ACT to change the Place of Voting in Election Precinct No. 4, in Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the place of voting be, and the same is hereby, changed from J. B. Champion's spring to the school-house, near Deer Creek Church, in said precinct.

§ 2. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 770.

AN ACT to change the Voting Place in District Number Six, in Mc-Cracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in district number six, in Mc-Cracken county, be, and the same is hereby, changed from the residence of Samuel Rice, deceased, to what is known as Clark's Cross-roads, in said district.

§ 2. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 771.

AN ACT to change the Voting Place in Precinct No. 8, in Morgan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the voting place in precinct No. eight, in Morgan county, be changed from Walter Easterling's, the

present voting place, to William A. Lacy's residence, in said precinct. 1868.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 772.

AN ACT to change the Voting Place in the Covington Precinct, in Oldham County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the voting place in the Covington precinct, in Oldham [county], shall be at the tavern-house of F. L. Wheeler's, in said precinct.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 773.

AN ACT regulating Justices' District No. 1, of Estill County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of justices' district number one as is included in the following boundary, shall be known and designated as justices' district number six, of Estill county, viz: Beginning at the mouth of Woodward's creek, thence up said creek to Levy Servis' store; thence with the public road leading to Polecat creek to the line of district number two; thence down the Kentucky river to the mouth of Red river; thence up Red river to the mouth of Woodward's creek; all the residue of district number one to be designated as district number one.

§ 2. The voting place in district number one shall be at McKinney's mill, and the voting place in district number six at the house of Samuel Berryman.

§ 3. There shall be an election held in district number six on the first Monday in August next, for the election of a constable and two justices of the peace, who shall hold their offices until their successors are elected and qualified.

§ 4. This act shall take effect from its passage.

Approved March 5, 1868.

1868.

CHAPTER 774.

AN ACT to change the Line between the Tollsboro and Esculapia Voting Precincts, in Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the Tollsboro and Esculapia voting precincts be so changed as to include the residence of John M. Spence, jr., in the Tollsboro precinct.

§ 2. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 775.

AN ACT to charter the Town of Hiseville, in Barren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Hiseville, in Barren county, be, and the same is hereby, incorporated, with such boundaries, streets, alleys, and such other public grounds, as may be laid out and defined by the trustees in a plat and survey of said town, which said survey and plat shall be recorded in the Barren county clerk's office.

§ 2. That Thomas L. Newberry, T. H. Pemberton, J. T. Winlock, and S. C. Pemberton, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in April next, at which time, and annually thereafter, there shall be an election, by the qualified voters of said town, of five trustees, to serve for one year and until their successors are duly elected and qualified.

§ 3. That said trustees shall take an oath before some justice of the peace for Barren county, before they enter upon the duties of their office, that they will faithfully and to the best of their ability perform the duties of trustees of said town, in addition to the oath required by the Constitution of this State.

§ 4. That the trustees shall cause a survey and plat of said town to be made out, defining the limits of said town, the streets, alleys, and any other public grounds, as they may determine on, one copy of which shall be recorded in the Barren county clerk's office, one copy shall be retained in the custody of the board of trustees.

§ 5. That said trustees, and their successors in office, shall be a body politic and corporate, and known by the name and style of "The Board of Trustees of Hiseville;" and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth; that said trustees may have and use a common seal, which

they may alter at pleasure; and shall have all the powers and privileges, and be subject to the same duties and liabilities as is provided by the general law in relation to towns incorporated in this Commonwealth.

1868.

§ 6. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 776.

AN ACT to amend the Charter of the Town of Dover, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Dover, in Mason county, be, and hereby is, so amended as to authorize the board of trustees of said town to license and levy a tax upon all retailers of ale, beer, and other malt liquors in said town to the same extent and in the same manner as they are now authorized by law to tax and license retailers of spirituous liquors: *Provided*, That the tax or charge for license to such retailers of ale, beer, or other malt liquors, shall not be more than twenty-five dollars each per annum.

§ 2. This act shall be in force from its passage.

Approved March 5, 1868.

CHAPTER 777.

AN ACT to protect the Citizens of Fayette County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no part of the taxable property of Fayette county which is situate outside of the limits of the city of Lexington shall be subject to any tax to pay for any subscription which shall hereafter be made to any railroad company, unless at a vote taken upon making of such subscription at a general election, a majority of the votes cast upon said question, of the voters of said county residing outside of said city limits, shall be in favor of said subscription.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

1868.

CHAPTER 778.

AN ACT to amend the charter of Hardinsville, Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Abel Jenkins, George C. Stortz, Jorden Gibbs, Albert M. Grass, and B. F. White, be, and they are hereby, appointed trustees of the town of Hardinsville, in Shelby county, and shall continue in office until the first Monday in April, 1868. At the expiration of their time, it shall be lawful for the citizens of said town to elect five trustees, above named, giving ten days' notice of the time and place of such election of their successors, who shall remain in office one year after their election. All of the free white males of twenty-one years old, citizens of said town, shall be qualified voters in the election of trustees.

§ 2. At the same time and place it shall be lawful to elect a police judge and town marshal, who shall hold their office two years from the day of their election. Said police judge shall have, when elected, all the powers and qualifications of justices of the peace, within the limits of said town; also receive same fees for like services. Marshal shall have same power within the limits of said town, and qualification of constable, same fees, and collect the same for similar services.

§ 3. That said trustees are hereby authorized to make all such by-laws for the better regulation of the morals of the town and preservation of the same, and for the improvement of the streets and alleys thereof, as to them shall seem proper: *Provided*, The same shall not contravene any law of this State.

§ 4. Said trustees shall have power to levy a town tax, provided it does not exceed twenty-five cents on each one hundred dollars' worth of taxable property in said town, and one dollar on each tithe in said town, which shall go to improve the streets and such other objects of general utility in said town as they may think proper to do.

§ 5. Said trustees may acquire any quantity of ground for burial purposes, hold and keep the same in good order for said purpose, which is not to exceed ten acres.

§ 6. For any violation of the by-laws of said town, or any laws of the Commonwealth, the trustees or police judge may issue a warrant in the name of the Commonwealth, for the use of said trustees, against such offenders, try them as soon as practicable, and shall not be deferred to the regular term of justices' court. All fines collected shall be paid to the treasurer of said town for the benefit thereof, except for violations of State laws.

§ 7. Said trustees shall have power to levy a tax, ending in August in each year, for the purposes aforesaid; also levy a tax on drinking-saloons; also, tax all shows to any

amount they may think proper, and compel the collection of the same; all of which fines shall go to the school fund in said town.

1868.

§ 8. That said trustees or police judge shall have the right to try all offenders in said town by the penal laws now in force, and all others that may be put in force, as far as they may be applicable to such cases as they may occur.

§ 9. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 779.

AN ACT to amend the Charter of the City of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the city of Paris, in the county of Bourbon, be, and they are hereby, extended so as to include all the territory within the following boundary: Beginning at a large elm in the southwest corner of what is known as Clayville; thence south sixty-three and a half degrees, west one hundred and thirty-one and forty one-hundredth poles, to a stake on the south side of the railroad, opposite the grounds of the Bourbon County Agricultural Society; thence with the northeastern line of said grounds, crossing the Maysville and Lexington turnpike, through the Paris cemetery grounds, one hundred and twenty-five and sixty one-hundredth poles to a stake, corner of Henry Croxton, in Charles T. Garrard's line, on the west side of the old Ford's Mill dirt road; thence with said Garrard's line north twelve and one quarter degrees, west twenty-four and forty one-hundredth poles to a stake; then down Houston creek, including said Garrard, north sixty-nine degrees, east seventy-three and forty one-hundredth poles to a stake; thence north thirty-two and a half degrees, east eighty-five poles to a stake; thence north twenty-two degrees, west seventy-six and twenty-eight one-hundredth poles to a stake; thence north seventeen degrees, east eighty-three and sixty one-hundredth poles to a stake, corner to Frank Kennedy; thence north thirty-three and a half degrees, east sixty-six and twenty one-hundredth poles, crossing said creek, to a stake, including what is known as Ruckerville; thence crossing the dirt road leading to Eastin's ford, running through W. E. Simms' orchard, north fifty-nine and a half degrees, east twenty-nine and thirty-two one-hundredth poles to a stake; thence crossing Stoner creek north eighty-five and a half degrees, east two hundred and twenty-one and twenty-eight one-

1868.

hundredth poles to a stake in B. B. Marsh's land; thence south forty-nine and a half degrees, east one hundred and twenty-three and sixty one-hundredth poles to a stake in the first bend on the south side of the Paris and North Middletown turnpike; thence south thirty-one and three quarter degrees, west three hundred and forty-three and eighty-four one-hundredth poles to a stake, including the residence, and in part the lands, of Garret Davis, near the corner between him and Levi Link; thence south seventy-three and a half degrees, west one hundred and nineteen and sixty one-hundredth poles, crossing the Paris and Winchester turnpike, to the beginning. And the mayor and council of said city, and its other officers, shall have over all said territory the same jurisdiction as they have within the original limits thereof: *Provided*, That no lands within said extension, used merely for agricultural purposes, shall be subject to city taxation, until the same shall be divided into and used as town lots of less than five acres.

§ 2. Said mayor and council are hereby authorized to levy an annual tax on all the property within said city, subject to taxation, in addition to that now allowed by the original charter of said city, not exceeding fifty cents on each hundred dollars' worth thereof, for the purpose of paying the interest, and ultimately the principal, of its debt, including that created by a subscription to the capital stock of the "Paris Gas Company," and the amount to be paid by it to said gas company annually, for the purpose of having the streets lit with gas, and to pay all other debts now existing, or hereafter created, for and on behalf of said city.

§ 3. Said mayor and council may issue its bonds, not having a longer time to run than twenty years, and bearing a rate of interest not exceeding ten per cent., payable semi-annually, signed by the mayor, countersigned by the treasurer, and under the corporate seal, and sell the same for the purpose of paying its debts; or they may borrow money for that purpose for any length of time less than said period, at a rate of interest not exceeding ten per cent. per annum, and give the note of the city therefor, executed and signed in the same mode, and pledge, by mortgage executed in the same mode or otherwise, all the property, income, and taxes, now or hereafter assessed, belonging to said city, as a security for any money so borrowed: *Provided*, That no taxes necessary to conduct the ordinary affairs of the city, or specifically set apart for another purpose, shall be so pledged.

§ 4. Any notes executed by the members of the city council, now or hereafter, for the benefit thereof, and to raise money to pay its said subscription aforesaid, or any other city debt, shall be binding upon said city, provided

that an entry showing the facts be made upon the record of the proceedings of the city council.

1868.

§ 5. Said mayor and council may subscribe to the capital stock of said gas company, to enable it to extend its pipes, &c., a further sum, not exceeding five thousand dollars; and may contract with it to supply any additional number of lamps in the streets with gas; and may, to pay the same, borrow the money in either of the modes provided for in section three of this act.

§ 6. Said mayor and council may open, grade, and pave, or cause to be opened, paved, and graded, any street or alley, in said addition to, or the original limits of, said city, as provided in the act to which this is an amendment.

§ 7. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 780.

AN ACT to amend the Charter of the Town of Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the twentieth paragraph of an act, entitled "An act to amend and reduce into one the acts in relation to the town of Russellville," and known as the charter of said town, be so amended as to authorize and empower the chairman and board of trustees of said town to assess and collect annually an *ad valorem* tax of not exceeding fifty cents on the one hundred dollars' worth of real and personal estate within the corporate limits of said town, and a poll-tax of not exceeding two dollars on each tithe.

§ 2. That the thirty-sixth paragraph of said charter be so amended as to authorize and empower the chairman and board of trustees of said town to pledge the public faith of said town in any sum not exceeding ten thousand dollars, for the purpose of making any improvements of a public character which they may deem necessary, within the bounds of said corporation; and that they be further authorized and empowered to create a debt of not exceeding fifty thousand dollars, for any public improvement or improvements within the same, or beyond the corporate boundaries of said town, whenever, in their judgment, two-thirds thereof concurring, the same may be necessary, for which they may issue the bonds of said town, pledging the public faith of the same for their liquidation, to be signed by the chairman and countersigned by the clerk of the board, payable in ten, fifteen, or twenty years, and of any denomination from one hundred to one thousand dollars, and to bear interest at the rate of six per cent. per

1868. annum, payable semi-annually: *Provided*, That, before they shall create a debt of exceeding ten thousand dollars, they shall submit the question of the proposed expenditure and improvement to an election of the legal and qualified voters of said town, giving at least one month's notice, by printed advertisements, of the object of said expenditure, and the time of holding said election. And should a majority of the legal and qualified voters of said town, and voting at such an election, indorse said expenditure and improvement, then the said chairman and board of trustees shall issue the bonds of the said town, pledging the faith of the same for their payment for any sum so voted for, not exceeding the amount herein specified.
- § 3. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 781.

AN ACT amending the Charter of the Town of Taylorsville, Spencer County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of Taylorsville, Spencer county, Kentucky, be, and they are hereby, empowered to close and sell and convey so much of Main cross street, north of the public square, as they may deem expedient: *Provided*, That a passway at least twenty feet wide shall be left open on the east side of said street.

§ 2. That the said trustees shall also be empowered to close so much of Hardin street as lies between Jefferson street and Water street, and that they may sell and convey that portion of Hardin street so closed whenever they may think proper so to do.

§ 3. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 782.

AN ACT to extend the limits of the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following tract of land is hereby added to and made a part of the city of Newport, and subject to all the laws and regulations relating to said city, as now established, to-wit: All that tract of land beginning at the south-westerly corner of Cabot and Harris streets; thence with the westerly line of Cabot street south thirty-nine and one-half degrees east, five hundred and forty-six (546) feet to

the southwesterly corner of Cabot and Tibbatts streets; thence with the southerly line of Tibbatts street extended south fifty and one half degrees west, four hundred and sixty-four (464) feet to the westerly line of Isabella street extended; thence with the westerly line of Isabella street extended, north thirty-nine and one half degrees west, five hundred and forty-six (546) feet to the southerly line of Harris street; thence with the southerly line of Harris street, north fifty-nine and one half degrees east, four hundred and sixty-four (464) feet to the place of beginning, containing five and eighty one hundredths acres, belonging to the estate of General James Taylor, deceased, and in the trustee addition to said city of Newport.

1868.

§ 2. This act shall take effect from its passage.'

Approved March 5, 1868.

CHAPTER 783.

AN ACT to amend the Charter of the Town of Alexandria, in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter election in said town shall be held on the second Monday of March, between the hours of 6, A. M., and 7 o'clock, P. M., in each year; and there shall be elected by the qualified voters of said town, who, at the time being, are citizens of said town, and who shall have resided therein for the space of six months next preceding the election at which they claim to vote, five trustees, to be styled "The Board of Trustees of the Town of Alexandria," who shall hold their office for one year and until their successors are elected and qualified; and the trustees may designate by ordinance what other officers shall be elected, and shall establish and fix the voting place or places at which said elections shall be held in said town. The clerk of said board of trustees shall give notice of the time and place of all elections held under the charter of said town by posting up, at three or more public places in said town, written notice thereof, at least ten days before said election.

§ 2. That the said board of trustees shall have the right to tax, and exclusive right to license, all taverns, coffee-houses, beer-houses, groceries, victualers, and confectioners within said town; but tavern-keepers and coffee-house keepers shall be liable to the revenue tax in addition thereto. They shall also have the right to tax, license, and regulate all carts, drays, wagons, and other vehicles which may be plying in said town for hire; and they shall also have power, whenever in their opinion the pub-

1868.

lic interest or convenience requires it, to levy and collect taxes on dogs, to prevent dogs from running at large in said town, and to levy and collect taxes on theatrical performances or other shows held or exhibited in said town, except such as may be for charitable purposes.

§ 3. That the said board of trustees shall have power and authority to levy a tax on the free white male inhabitants of said town, at a ratio not exceeding one dollar and fifty cents on each, which, when collected, shall be for the exclusive use of, and applied to, the repairing, grading, and cleaning of the streets and alleys of said town; but the trustees may permit any one liable to pay said tax to work out the same by labor on said streets or alleys, as they may order and direct; and said board of trustees may require the abatement and removal of all nuisances and obstructions of every kind within the limits of said town, under such regulations as they may prescribe by ordinance.

§ 4. That the said board of trustees shall have full power to pass all needful ordinances and by-laws for carrying into effect all the powers herein granted, and executing all its provisions, with suitable penalties for the infraction of the same, not exceeding twenty dollars; shall have and possess all the power and authority heretofore vested in the trustees of the town of Alexandria, either by the general laws of this Commonwealth or the particular laws now in force in respect to said town; and all acts of the present or former trustees that are contrary thereto are hereby declared valid and of full force, as though they were done in accordance therewith; and shall have full power and authority to adopt the ordinances and by-laws of said town, and repeal, alter, and amend the same as to them shall seem best; and to pass such by-laws and ordinances for the good government of said town, with adequate penalties thereto, as they shall from time to time deem expedient, not contrary to the Constitution of this State or the United States.

§ 5. That all acts passed heretofore in relation to the town of Alexandria, inconsistent with the provisions of this act, be, and the same are hereby, repealed.

§ 6. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 784.

1868.

AN ACT to amend the City Charter of Ludlow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of said city is hereby empowered to assess, levy, and collect a tax upon all such real estate in said city as is used for residence purposes, and upon all lands in said city as may be held, laid out, or intended as city lots, or for sale as such, and upon all improvements, buildings, &c., upon such lots or lands, and upon all lands and estate in said city not held or used for strictly general farming purposes, and upon such personal estate in said city as is taxed for State purposes, not exceeding fifty cents on each one hundred dollars' valuation; and that so much of section one, of article three, of the charter of said city, approved February 9, 1864, as is inconsistent with the provisions hereof, is hereby repealed.

§ 2. That the city collector, or any one who may be appointed and authorized by the city council of said city to collect the taxes due said city, may, when the tax bills are placed in his hands, having first demanded payment of the same of the person owing said tax, wherever he is found, levy upon or distrain any property the delinquent tax-payer has in the city or county, and sell the same under the same laws and regulations governing sheriff's sales in the collection of the State revenue; but no levy or distraint is to be made until the person owing the tax has refused, upon demand, to pay the same; and it is further provided, in case the delinquent tax payer has no property upon which the collector can levy or distrain, a suit may be brought in any court having jurisdiction of the amount sought to be collected, and after having recovered judgment, and execution returned no property found, may have garnishee or other attachment against the defendant and others owing him or holding property for his use and benefit, under the laws and regulations now governing such cases before justices of the peace.

§ 3. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 785.

AN ACT to amend the Charter of the Town of Shelby City, Boyle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of said town may have full power to lay off said town into streets and alleys, of such width and length as they may determine upon; and the land

1868. over which said streets may run shall be condemned and valued by twelve lawful jurors, who shall first be duly sworn, and who are not citizens of said town, but who shall be citizens of Boyle county; and upon the verdict of said jury the parties interested shall abide, and the assessed value thereof shall be paid to the parties owning said land out of which said streets are made.

§ 2. That section eight of said charter, approved March the 8th, 1867, shall be so amended, as in case of resignation, removal, death, misconduct, or malfeasance in office of the marshal of said town, the trustees shall have full power to remove and fill said vacancy until the next annual election.

§ 3. Said act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 786.

AN ACT to amend the Charter of the City of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article three, section seven, of the city charter of Paducah, be so amended as to read as follows: The city council shall elect one or more collectors of railroad taxes, not exceeding one for each ward; and they shall be subject to all the provisions of this charter relating to tax collectors.

§ 2. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 787.

AN ACT for the benefit of the Town of Hodgenville.

WHEREAS, The trustees of the town of Hodgenville, Kentucky, levied a poll-tax for town purposes on each male inhabitant of said town over the age of twenty-one years, of two dollars on the head, for the year 1867, when the law or charter only allowed them to levy one dollar and fifty cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the levy made by the trustees of the town of Hodgenville of two dollars on each tithe, for the year 1867, for town purposes, be, and the same is hereby, legalized.

§ 2. That this act take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 788.

1868.

AN ACT to extend the limits of the Town of Danville, and amend the Charter thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the limits of said town shall be, and is hereby, extended two hundred yards in every direction from the boundary of said town as is now fixed and established.

§ 2. That each and every person holding office in said town under the charter thereof, either by appointment or otherwise, shall hereafter be a *bona fide* citizen thereof twelve months preceding his election or appointment by the board.

§ 3. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 789.

AN ACT to repeal Section one of an act, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts incorporating the Town of Flemingsburg.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of chapter seventeen hundred and ninety-five, of volume two, of acts 1867, entitled "An act to amend an act, entitled 'An act to amend and reduce into one the several acts incorporating the town of Flemingsburg,' " be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 790.

AN ACT to amend the Charter of the Town of Hodgenville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Hodgenville, in the county of Larue, be, and they are hereby, authorized to levy a poll tax on each male inhabitant of the town of Hodgenville, Kentucky, over the age of twenty-one years, for town purposes—a sum not to exceed two dollars and fifty cents on each, annually.

§ 2. That this act shall take effect from its passage.

Approved March 5, 1868.

1868.

CHAPTER 791.

AN ACT to amend an act, entitled "An act to incorporate the Towns of Cloverport and Lower Cloverport into the Town of Cloverport."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Cloverport shall have jurisdiction in all civil and penal cases, where the amount in controversy does not exceed one hundred dollars; and shall have the power to grant and try attachments not exceeding that amount; and shall have concurrent jurisdiction with the quarterly and circuit courts of Breckinridge county in all the cases above mentioned: *Provided*, The jurisdiction hereby conferred shall not extend to persons living beyond the corporate limits of said town, unless the defendant or defendants in such cases shall indorse in writing, on the summons or process served on them, their consent that the same may be tried in said police court.

§ 2. That all persons authorized to sell spirituous, vinous, or malt liquors in said town, shall be required to pay a license tax into the town treasury, to be fixed by the board of trustees, not exceeding one hundred dollars, and give bond in the police court, in addition to the tax that is now required by law to be paid to the clerk of the Breckinridge county court.

§ 3. That all fines imposed by the by-laws and ordinances of said town, shall be paid into the town treasury for the use and benefit of said town.

§ 4. That the police judge shall be allowed the same fees as are now allowed by law to the county judge for similar services; and the town marshal shall be allowed the same fees as are now allowed by law to the sheriffs of this Commonwealth for similar services.

§ 5. That the police judge of said town shall be supplied with such books as are by law furnished to justices of the peace in this Commonwealth.

§ 6. That any person appointed assessor of tax in said town shall be required to give bond, payable to the Commonwealth, with good surety, in the police court, to be approved by said court, for the faithful discharge of his duties, which bond shall be kept by the clerk of the board of trustees; and for a violation or breach thereof, suit may be instituted at the instance of the board of trustees, or any person aggrieved, and recovery had thereon, from time to time, to the extent of the injury sustained. He shall also, before he enters upon the discharge of his duties, in addition to the oath prescribed by the constitution of the State of Kentucky, swear that he will fix a fair and full valuation on all property, both real and personal, listed by him, without favor or partiality; and that he will

1868.

diligently inquire, so that no person is passed over or shall fail to have an opportunity to give in his list of taxable property; and that he will truly report all persons who shall fail or refuse to give in a list of their taxable property after having been duly called upon for that purpose, or who have given in a false or fraudulent list, or refused to give in the amount of their residuary estate as required by the laws of the State.

§ 7. The assessor shall commence the duties of his office on the first day of April in each year, and shall complete the list by the first day of July in each year; and before he or his appointed assistant returns any person as a delinquent, he shall apply at his residence for a list of his taxable property; and in case of his absence, leave a written notice with some white person of the household over sixteen years of age, notifying him to meet him at the office of the clerk of the board of trustees, at a certain specified time, and give in his list; and if he fail to do so, then the assessor shall report him as a delinquent. If the assessor report any person as a delinquent, without having performed the duties as are herein required, he shall, upon conviction before the police judge, be fined ten dollars, and he and his sureties be liable upon his bond for damages.

§ 8. The assessor, at the time he returns his tax books, shall also return the names of all delinquents; and shall, as to fraudulent delinquents, state in what the falsehood or fraud consists. Upon the return of such delinquent and fraudulent or false list to the clerk of the board of trustees, the clerk shall, if the board direct, cause a summons to be issued by the police judge, in which he shall in general terms state the offense against the defendant, returnable before him at his next regular term, at which time he shall hear and determine the case, giving the defendant a right to have a jury to try the cause, if demanded. If the defendant be found guilty, the court shall enter judgment of not less than ten nor more than fifty dollars, and triple the amount of the tax.

§ 9. That the said board shall have power to issue the bonds of said town for a sum not exceeding two thousand dollars as the whole at any one time, bearing interest at the rate of six per centum per annum, payable semi-annually. No bond shall be for a less sum than one hundred dollars. The said bonds shall be signed by the president, and countersigned by the clerk of the board of trustees; and the amount, date, and when due, of each bond, shall be entered upon the records of said board as the same is issued. They shall be made payable in not exceeding ten years after their date.

§ 10. This act shall take effect from its passage.

Approved March 5, 1868.

1868.

CHAPTER 792.

AN ACT to incorporate the Town of Trenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Trenton, in the county of Todd, be, and the same is hereby, incorporated, and the town limits shall extend and embrace all the area included in the following boundary, viz: William P. Arnold on the southwest, A. C. Christian on the west, W. P. Graves' tobacco stemmery on the east, and the Lawren and Caldwell addition, which survey and boundary shall be recorded in the clerk's office of the Todd county court.

§ 2. That Thomas McGuire, B. G. Hatter, John Basford, T. T. White, and J. F. Perry, are hereby appointed trustees of said town, who shall hold their office until the first Saturday in May, 1869, at which time, and annually thereafter, there shall be an election by the qualified voters of said town for five trustees, to serve for one year, and until their successors are duly elected and qualified; said trustees herein mentioned shall, before they enter upon the duties of their office, be duly qualified by some justice of the peace for said county that they will faithfully discharge the duties of their said office.

§ 3. That said trustees, and their successors in office, shall be a body-politic and corporate, and shall be known as the "Trustees of the Town of Trenton;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all the courts of this Commonwealth.

§ 4. That said trustees, any three of whom shall constitute a quorum, shall elect one of their number as chairman, who shall preside over the deliberations of said board when convened, and who shall have power to convene the board in session whenever he may deem it necessary.

§ 5. There shall be elected annually, at the same time that trustees are elected, a police judge and town marshal for the town of Trenton, who shall serve until their successors are elected and qualified, whose jurisdiction and powers shall be the same as justices of the peace and constables of the State of Kentucky. The police judge shall be commissioned by the Governor. The town marshal shall give bond, and be qualified in the Todd county court, the same as constables.

§ 6. The board of trustees created under this act shall provide, prior to the first election, proper officers for holding the same; and they shall give at least ten days' notice of the time and place of holding said election, by written notices, posted in at least three public places in said town.

§ 7. That said trustees shall have power over the streets, alleys, and side-walks, and may direct the opening, straight-

1868.

oning, altering, or improving the same, in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of the United States and of this Commonwealth; they shall have power to levy and collect a tax upon the property and tithes in said town, not exceeding twenty-five cents on each hundred dollars' worth of property, and not exceeding one dollar on each tithe, to be applied to the improvement of the streets, alleys, sidewalks, or other improvements necessary therein; they shall have power to purchase any lot or piece of ground for the use of said town, necessary to straighten or extend the streets therein; to tax shows, and all public exhibitions, such sums as they, in their by-laws, may fix: they shall have the same power to grant coffee-house and beer-house licenses that the trustees of the town of Elkton now have. It shall be the duty of said board of trustees to appoint a treasurer and clerk, and such other officers as they may deem necessary, and to take bonds with sureties; and for a violation of duty, or default of any officer so appointed, suit may be brought before any tribunal having jurisdiction thereof. A majority of said trustees may, for proper cause, remove any officer, and appoint others to fill the vacancy.

§ 8. That no street or alley shall be extended over the land of any person, unless such land, sufficient so to extend said street or alley, shall have been purchased as provided for in section seven, or unless it shall have been condemned as provided in chapter eighty-four, section one, Revised Statutes, in reference to public roads; and the proceedings to extend said street or alley shall be in strict conformity to said chapter.

§ 9. That all fines and forfeitures inflicted and collected under the ordinances and by-laws of said town shall be paid to the treasurer of the town, for the use and benefit of the corporation.

§ 10. It shall be the duty of the trustees of the town to keep the streets and alleys in good repair; they are hereby authorized to tax the citizens and owners of property a sum sufficient for that purpose: *Provided*, The taxation does not exceed the rates specified in section seven. The citizens of said town are hereby exempt from working on public roads outside the corporate limits.

§ 11. The police judge, in addition to the powers conferred upon him by section fifth, shall have exclusive jurisdiction, subject to appeal, of all violations of the town ordinances and by-laws. It shall be the duty of the town marshal to execute all process directed to him by the police judge, and to collect the revenue of said town. Before

1868.

entering upon the discharge of this duty, he shall give bond, with sureties to be approved of by the trustees. Vacancies occurring in the office of police judge or town marshal are to be filled in the same manner that vacancies in the office of justice of the peace and constables are filled.

§ 12. That this act shall take effect from and after its passage; and the right to repeal, alter, or amend this act, is reserved to the General Assembly.

Approved March 5, 1868.

CHAPTER 703.

AN ACT amending the several acts relating to the Town of Carlisle, Nicholas County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the board of trustees, police judge, and marshal of Carlisle, Nicholas county, shall be elected by the voters of said town qualified to vote for representative in the State Legislature, for the term of one year, and until their successors shall be duly elected and qualified; the first election to be held on the first Saturday in March, 1868, and subsequent elections on the same day of each year thereafter: *Provided*, That no one shall be eligible to either of said offices who has not resided in said town one year next before his election, and who shall not be at the time a qualified voter for State representative: *And provided further*, That in case of vacancy in the board of trustees from any cause, the remaining members of the board shall have the power to fill such vacancies by appointment for the balance of the term; and in case of a vacancy being created, in either the office of police judge or marshal, by death or otherwise, the board of trustees of said town shall have the power to fill such vacancy or vacancies by appointment for the balance of the term.

§ 2. All elections for officers under this act shall be conducted by the clerk of the board of trustees; he shall, after each election, give to each officer a certificate of his election, who shall thereupon take, before some officer authorized to administer them, the several oaths of office prescribed by the constitution and laws of this State; and said elections shall be held at the court-house in said town.

§ 3. In addition to the powers and authority now by law vested in the trustees of said town, said board of trustees shall have power to, and they may, tax every hotel or saloon-keeper, or other person who may receive license from the Nicholas county court to sell spirituous or vinous liquors, or the mixture thereof, in less quantities than a

1868.

quart, within the limits of said town, a sum of not more than fifty dollars per year, to be paid into the treasury of the town; and they may suspend or suppress the license of such person so to sell whenever in their judgment it may be deemed expedient so to do, a majority of said board concurring therein; and said trustees may also close the bars or drinking-saloons of such persons upon Sundays and such other holidays as they may deem it proper and expedient so to do, a majority of said board concurring therein: *Provided, however,* That nothing in this section shall be so construed as to affect any person having license from the county court so to sell at the time of the passage of this act, until after the expiration of such license. Said trustees may also tax merchants and others selling liquors in quantities not less than a quart, within the limits of said town, a sum not exceeding twenty-five dollars per year, to be paid into the treasury of the town; but such persons shall not be so taxed until after the expiration of any license or permit from the county clerk which they may have at the time of the passage of this act.

§ 4. The said trustees shall possess and exercise all the powers and privileges which are, by the general laws of the State, vested in, and granted to, trustees of towns; and they shall have full power to make all necessary by-laws, ordinances and regulations, to carry into full effect the powers granted by this act and the other acts to which this is an amendment, and such others as are not contrary to the Constitution and laws of the United States or of this State, as they may deem necessary for securing the quiet and good order of said town, and the comfort and health of the citizens thereof: *Provided,* That said trustees shall not affix a penalty of any one infraction of any ordinances or by-laws passed by them to promote the health, comfort, good order, and convenience of the citizens of said town, exceeding the sum of twenty-five dollars. Such fines may be recovered by warrant, in the name of the Commonwealth of Kentucky, to the use of the board of trustees, before the police judge or any justice of the peace, whose district may include the said town or any part thereof.

§ 5. That from all judgments rendered by said police judge either party shall have the right of appeal in the same manner that appeals are taken in similar cases from judgments of justices of the peace.

§ 6. In addition to the powers now by law given to the marshal of said town, he shall see that the ordinances of said town are carried into execution, and shall collect and pay over all fines imposed by the police judge, for misdemeanors and infractions of the by-laws and ordinances of the board of trustees; and within the limits of the town

1868.

he shall have all the powers in civil and criminal matters which, by existing laws, or by laws which may be passed by the present General Assembly, are conferred upon constables in the State. He shall give bond annually in the sum of one thousand dollars, with such surety as the trustees may approve, conditioned faithfully to pay over to the treasurer of the town, and other persons entitled, such sums of money as may come to his hands by virtue of his office, and faithfully discharge all the duties of said office; and shall, moreover, take an oath to discharge the duties of his office.

§ 7. The process in any civil case pending before the police judge may be directed by him to the marshal or any constable of Nicholas county; and any process issued by any justice of the peace of Nicholas county, in any civil or criminal case, may be directed to the said marshal, whose duty it shall be to execute the same.

§ 8. That no person who shall have license to vend spirituous or vinous liquors, or a mixture thereof, shall be eligible to the office of trustee, police judge, or marshal in said town, during the continuation of such license.

§ 9. There shall be elected by the voters of said town herein declared qualified to vote for officers of said town, at the same time and place that the other officers named herein are required to be elected, and for the same term, a town attorney. He shall be ex-officio clerk of the board of trustees of said town, and it shall be the duty of said town attorney to give legal advice to the board of trustees of Carlisle when called upon, to prosecute all persons charged with a violation of the by-laws or ordinances of said town, or charged with any misdemeanor committed in said town. He shall receive such salary as the board of trustees shall by ordinance fix or allow.

§ 10. The present board of trustees, police judge, and marshal of said town, are vested with all the powers, authority, and jurisdiction granted by this act, to be exercised by them until their successors shall be duly elected and qualified.

§ 11. Only such provisions of other laws of the Legislature now in force, as are inconsistent with this act, are repealed by it.

§ 12. This act shall take effect from and after the day of its passage.

Approved March 5, 1868.

CHAPTER 794.

1868.

AN ACT to amend the Charter of the Town of Mackville, in Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the government and fiscal and prudential affairs of the town of Mackville, in Washington county, shall be vested in the trustees of Mackville, which shall consist of five male white citizens of said town, who shall be elected on the first Saturday in June, 1868, and on the first Saturday in each June thereafter, by the qualified voters of said town, who have resided therein sixty days next preceding the election. The first election shall be held by a justice of the peace for Washington county, and a clerk and sheriff of the election, whom he may appoint; and the subsequent elections by such persons as the board of trustees may appoint. The trustees shall have the same qualifications as the voters. They shall elect one of their number chairman, and shall appoint a clerk, treasurer, and assessor, who shall hold their offices for one year and until their successors are appointed. The trustees shall, before they enter upon the duties of their offices, take the oaths prescribed by law for other public officers, to support the constitution of the United States and the constitution and laws of this State. They shall have power to make such ordinances for the government of said town and the management of its affairs as are not inconsistent with the constitution and laws either of the United States or this State. They shall have power to fill all vacancies that may occur in the board or marshal of the town. They shall hold their office for one year, and until their successors are elected and qualified. They may remove the secretary whenever they may deem it necessary.

§ 2. That the said trustees are hereby created a body-politic and corporate, under the name and style of the board of trustees of Mackville; by that name they shall hold all the real, personal, and mixed property belonging to said town, or that may hereafter belong to it. They may sue and be sued, plead and be impleaded; and have and keep a common seal. They may bring all suits necessary to the recovery of all streets and alleys in said town, and for all obstructions of the same.

§ 3. That the said board shall have full power to levy an annual tax not exceeding two dollars per capita, and an *ad valorem* tax not exceeding twenty cents on the hundred dollars of property in said town subject to taxation for State revenue. They may tax auctions, shows, and exhibitions in said town, or within a half mile of the town limits. They shall cause the streets and side-walks to be paved or macadamized and kept in order. They shall

1868.

have power to cause public wells to be made, and regulate the use of them. They may charge a license on any stud or jack stood in said town, and shall require the keepers thereof to provide a tight inclosure in which they render their services.

§ 4. That there shall be elected, at the same time that the trustees are, a marshal, who shall hold his office for two years, and until his successor is elected and qualified. He shall have power to levy and distrain for all taxes levied by said trustees; and for that purpose, is invested with the same power that sheriffs have by law in collecting the State taxes. He shall have power to execute all mean and final process or proceedings for the violation of any of the ordinances of said town; and the same power to levy and collect any execution that may have issued on any such judgment, that constables have in regard to executions issued by justices of the peace.

§ 5. That all warrants for any violation of the ordinances of said town shall be in the name of the trustees of Mackville. The justices of the peace of the justice district in which said town is situate shall have all power to try all such warrants.

§ 6 The treasurer of said town shall, before he enters upon his duties, give bond to said trustees, with good security, to be approved of by them, conditioned faithfully to perform all the duties imposed on him, and to account for and pay over, to such persons as may be entitled to the same, any money he may be ordered to pay.

§ 7. The boundary of said town shall be that embraced by the plat of said town now on file in the Washington county clerk's office; and it shall be the duty of said town to procure an authentic copy of said plat, and file the same with its clerk of said board, who shall keep it, subject to the inspection of the citizens at all times.

§ 8. That the trustees of said town shall have, in addition to the powers herein conferred on them, all the powers conferred on the trustees of towns by chapter one hundred, articles two, three, four, and five, of the Revised Statutes, title "Towns."

§ 9. That an act, entitled "An act to incorporate the town of Mackville," approved May 15, 1861, be, and the same is hereby, repealed.

§ 10. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 795.

1868.

AN ACT to amend an act, entitled "An act to incorporate the town of Woodville, in the Counties of Ballard and McCracken," approved January 30th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Woodville, in the counties of Ballard and McCracken," approved January 30th, 1867, be, and the same is so amended, that there shall be elected a police judge and town marshal for said town of Woodville; and all persons residing in said town, who are qualified electors for members of the General Assembly, shall have the right to vote for trustees, police judge, and town marshal. The first election for police judge and town marshal shall be held on the first Monday in April, 1868, and they shall hold their offices until the next regular election for trustees, and until their successors are elected and qualified. The said police judge and town marshal shall each hold their offices for four years, and until their successors are elected and qualified.

§ 2. The trustees of the town shall issue a certificate of election to the person receiving the highest number of votes for police judge, and, upon presentation of the same to the Governor, he shall issue a commission to said judge. Said police judge, before he enters upon the discharge of the duties of his office, shall take the same oaths now prescribed by the Constitution and laws for county court judges; he shall have jurisdiction of all cases, civil as well as criminal and penal, which occur within the limits of said town, equal to the jurisdiction of justices of the peace in similar cases; and, in addition, shall have cognizance of all offenses arising under the by-laws and ordinances of said town; may issue warrants, enter up judgments, and issue executions accordingly. Cases arising under the by-laws of said town shall be tried as soon as practicable. He shall hold a court for the trial of civil cases once every three months—the time of holding the same to be fixed by the Ballard county court. It shall be the duty of the judge of said police court to keep a just and fair record of all his proceedings in a book to be kept for that purpose, certified copies of which shall be received as evidence in all other courts in this Commonwealth; he shall have the same power to compel the attendance of witnesses as justices of the peace, and may fine persons for contempt, not exceeding five dollars.

§ 3. That, upon all judgments rendered by said police judge, either party may take an appeal in the same manner as parties may appeal from the judgment of justices of the peace in similar cases.

1868.

§ 4. The marshal shall execute bond before the trustees of said town, with sufficient security for the faithful performance of his duties as marshal, and shall take the same oaths as now prescribed by law for constables, and the same remedies are given against the marshal and his sureties to the board of trustees, or other persons aggrieved, by a failure of said marshal to collect and pay over fines, forfeitures, fee bills, and executions, and other claims, as allowed by law in similar cases against constables and their sureties, to be recovered before the police judge of said town.

§ 5. The marshal shall serve all process and precepts to him directed by said police judge, and make due return thereof; collect all taxes assessed in said town, and all executions and other demands placed in his hands to collect; and shall account for and pay over such sums to the persons entitled thereto, under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and on his failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against constables and sheriffs in similar cases; said marshal shall be entitled to the same fees for collecting the town tax as sheriffs for collecting the county levy, and in all other cases the same fees constables are allowed for like services; and said marshal shall have concurrent jurisdiction with a constable in the district in which said town is located.

§ 6. The trustees of said town shall have power to appoint a treasurer, who, before he enters on the discharge of his duties, shall execute bond with good security for the faithful discharge of his duties; they shall have power to fill by appointment any vacancy which may occur in the office of town marshal, until the next regular election; and upon a vacancy occurring in the office of police judge, they shall have power to order a new election by giving notice thereof for fifteen days, to fill said vacancy; they shall have power to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this State; they shall have power to fix such fines and penalties as may be proper for a just enforcement of their by-laws, but shall not fix a greater fine or penalty than twenty-five dollars, or one day's imprisonment, for the violation of any one by-law or ordinance; they shall have power to tax auctions, shows, and exhibitions for money, such sums as they in their by-laws may fix.

§ 7. All fines and forfeitures in cases cognizable before the police judge shall be collected and paid to the treas-

rer of said board of trustees, for the use and benefit of said town, except such as now required by law to be paid into the State Treasury.

1868.

§ 8. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 796.

AN ACT to amend the Charter of the Town of Gordonsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Gordonsville shall have power to fill all vacancies which may occur from any cause in their board, or any officers elected by law or ordinance of said board of trustees, in pursuance of the charter thereof, for the government of said town.

§ 2. It shall be unlawful for any person or persons to sell any spirituous, malt, or vinous liquors in said town, in less quantities than one gallon, without first procuring a license from the board of trustees of said town. Any person or persons violating this section shall be fined not less than ten nor over fifty dollars for each offense, to be collected as other fines in said town, and to be paid to the board of trustees of said town.

§ 3. That the clerk of the board of trustees of said town be, and is hereby, made assessor of the corporation of said town, whose duty it shall be to list all property in said town that is subject to State tax, on the 10th day of January preceding, and also all white males in said town between the ages of sixteen and sixty years at the time of listing, and shall return said list to the board of trustees by the first day of May in each year.

§ 4. That the board of trustees shall have power to levy and collect an *ad valorem* tax not exceeding twenty cents on each one hundred dollars' worth of property in said town subject to taxation, and a poll-tax on all white males, between the ages of sixteen and sixty years, not exceeding two dollars each, in the month of May in each year.

§ 5. The board of trustees shall appoint a collector of the taxes of said town, whose duty it shall be to collect the tax list put into his hands by the board of trustees of said town, and pay the same to the treasurer of said board by the first day of November in each year; he shall have the same authority to collect said tax that the collecting officers of the State now have by law; he shall execute bond with security, sufficient for the payment of said tax, and for all moneys collected by him as collector aforesaid, which bond shall be approved by the board of trustees, and filed with the secretary of said board; and on his failure to

1868.

discharge the duties required by this act, he shall be held responsible on said bond as other collecting officers of this Commonwealth, to be recovered in the same manner as now recovered of sheriffs when they fail to collect and pay over the county levy.

§ 6. That the board of trustees of said town shall have power to establish streets of the Buena Vista and Elkton roads, and of the Rush Mill and Whipporwill roads, already opened by law, and running through said town, and to establish any other street in said town they may deem necessary, where the same is in accordance with the charter of said town; and all males between the ages of sixteen and sixty years shall be required to assist in keeping said streets in good order, when ordered to do so by said board of trustees, when said board shall deem best to be done in lieu of payment of taxes. The board may dispense with the aforementioned levy and collection of taxes any year they may think it advisable

§ 7. That the trustees may appoint an overseer or overseers over the streets of said town, whose duty it shall be to work said streets when the board shall order; and any person failing or refusing to assist in working said streets when notified by the overseer, he having had one day previous notice, shall be fined not less than three or more than five dollars for each day he or they may fail or refuse so to work, to be recovered as road fines are now recovered by law, and applied to the improvement of the streets in said town.

§ 8. The board of trustees may allow all the officers of said town a reasonable compensation for their services, to be paid out of the treasury of said town.

§ 9. That, in case of the absence of the constable of Gordonsville district or town marshal, the justice issuing a process shall have power to appoint a special agent to execute said process, by indorsing said appointment thereon.

§ 10. This act to take effect from its passage.

Approved March 5, 1868.

CHAPTER 797.

AN ACT to incorporate Waco Lodge, No. 338, Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Waco Lodge, No. 338, of Free and Accepted Masons, in the village of Waco, Madison county, be, and they are hereby, created a body politic and corporate, by the name and style of "Waco

Lodge, No. 338, of Free and Accepted Masons," with perpetual succession; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of buying and holding such real and personal estate as may be required for the use of said lodge; of receiving all necessary conveyances, and of selling, disposing of, and conveying all such real or personal estate as they may now have or may hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall not, at any time, exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to William D. Rucker, Thomas P. Dudley, Thomas Tharp, Dennis Zittel, and Charles R. Oldham, and their successors in office, as trustees thereof; who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of process or notice on any of said trustees shall be sufficient notice to said corporation.

§ 3. That the trustees named in the second section of this act shall hold their offices till the first Monday in October, 1868, when the members of said lodge shall elect five trustees, and shall thereafter hold an election for trustees on the second Saturday in October in each year. The board of trustees shall have power to fill all vacancies in their own body; and may pass such by-laws, rules and regulations, not inconsistent with the laws of this State, as may be necessary to the safe-keeping and management of the property and other interests of said lodge; and may have a common seal, and change, alter, or renew the same at pleasure; and in conveying real estate, it shall be necessary for all the trustees to join in the conveyance.

§ 4. The General Assembly retains the right to change, amend, or repeal this act at pleasure.

§ 5. This act to be of force from its passage.

Approved March 5, 1868.

CHAPTER 799.

AN ACT to incorporate Russellville Lodge, Number Seventeen, of Ancient York Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. P. Peyton, W. M., J. S. Jeffries, S. W., E. M. Dicken, J. W., Wm. F. Caldwell, S., and H. C. Brister, T., who are now filling those respective offices in said Russellville Lodge, number seventeen, are hereby created a

1868.

body-corporate and made a body-politic, they, and their successors in office, who may hereafter be elected to the said offices by the said lodge, in accordance with the constitution and by-laws of said lodge, and shall so continue and have perpetual succession, and to be known by the name of Russellville Lodge, number seventeen, of Ancient York Masons. They are hereby made capable in law to sue and be sued, to plead and be impleaded; to contract, and to answer and be answered, in all the courts of law and equity in this State or elsewhere; and to make, have, and use a common seal, and to break, change, or alter the same at pleasure.

§ 2. The corporation shall have the right to take and hold, by purchase, gift, or devise, real and personal estate not to exceed ten thousand dollars in value, and to alien and convey the same.

§ 3. The business affairs of said corporation shall be under the control and management (subject to the orders of the lodge) of the officers in the first section mentioned, and their successors in office; and all trades, titles, conveyances, deeds, bonds, notes, &c., shall be made and done in the name of the said officers of said lodge; but all suits for and against said lodge shall be in the name of H. C. Biister, treasurer, of Russellville Lodge, number seventeen, and his successors in office; and service duly made on this officer of notice, summons, or process, shall be due service thereof, and notice to said lodge.

§ 4. That all fees, dues, fines, or any other liability whatsoever, that any member or members of said lodge may have, or may hereafter incur to the lodge or the treasury thereof, shall and can be collected by suit at law by the treasurer aforesaid, his successor, &c.; the said liabilities being governed by the laws of this Commonwealth relating to like liabilities, contracts, and indebtedness.

§ 5. The Legislature reserves to itself the right to annul, modify, or repeal this act; but the repeal shall not interfere with vested rights, nor deprive the said lodge or its members of any property, effects, or rights acquired or held under this act.

§ 6. This act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 799.

1868.

AN ACT to incorporate Zebulon Lodge, Number Two Hundred and Seventy-three, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. M. Whitten, J. M. Davidson, and John W. Mayo, and their successors in office, be, and they are hereby, constituted a body-corporate, under the name and style of Zebulon Lodge, number two hundred and seventy-three, of Free and Accepted Masons; and that the officers and members of said lodge, and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, and to answer and be answered, in all the courts of law and equity of this State or elsewhere; to make, have, and use a common seal, and to break, alter, or amend the same at their pleasure.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real or personal estate not exceeding the sum of ten thousand dollars; to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of the three first-named officers of the lodge, to be elected annually by the members of said lodge, and whose duties shall be such as shall be prescribed by a majority of the members thereof.

§ 4. The members of said corporation shall have power to pass such by-laws, rules and regulations, not inconsistent with the constitution of the United States or of the State of Kentucky, as the safe-keeping of the property or interests of the lodge may require.

§ 5. This act shall be in force from its passage.

Approved March 5, 1868.

CHAPTER 800.

AN ACT to incorporate Fitch Lodge, No. 309, of Free and Accepted Ancient York Masons, in the County of Hardin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Fitch Lodge, No. 309, of Free and Accepted Masons, of Howes Valley, in the county of Hardin, Kentucky, and those hereafter admitted to membership in said lodge, be, and they are hereby, incorporated in the name and style of "Fitch Lodge, No. 309, of Free and Accepted Ancient York Masons," and in that name

1868. shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, and shall have the power of acquiring and holding, by purchase or otherwise, real and personal property for Masonic purposes, not exceeding in value fifteen thousand dollars; and may at any time sell and convey the same, or any part thereof, and re-invest or dispose of the proceeds; and to pass and adopt such by-laws for its government as it may deem proper: *Provided*, The same be not inconsistent with the laws and Constitution of the United States or the State of Kentucky. The said lodge may adopt a seal and renew and break the same at pleasure.

§ 2. The General Assembly reserves the right to amend, alter, or repeal this charter at any time.

§ 3. This act to take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 801.

AN ACT to incorporate Johnston Lodge, No. 294, Free and Accepted Masons, in Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. G. Weller, James A. Claycomb, S. R. Adkisson, Samuel J. Parks, and James P. Skillman, and their successors in office, be, and they are hereby, created a body politic and corporate, under the name and style of "Johnston Lodge, No. 294, of Free and Accepted Masons;" and the officers and members of said lodge, and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in the courts of law and equity of this State or elsewhere; to make, have, and use a common seal, and to break, alter, or change the same at pleasure.

§ 2. The said corporation shall have the right to take and hold by purchase, gift, or devise, real and personal estate, not exceeding in value the sum of ten thousand dollars, and, if deemed expedient, sell and convey the same or any part thereof: *Provided*, That, in case of sale of real estate, it shall be by the consent of two thirds of the members thereof, which consent shall be given at a regular meeting of said lodge; or if any member or members shall sign an article in writing to that effect, and said article shall be deposited with the records of said lodge, it shall be deemed that he has given his consent, and it shall be entered of record in their proceedings.

§ 3. The business and financial affairs of said corporation shall be under the management and control of the five principal officers, to be elected annually, and who shall hold their offices until their successors are duly elected and installed, and whose duties shall be prescribed by a majority of the members thereof.

1868.

§ 4. The members of said corporation shall have power to pass such by-laws, rules and regulations, for the government and control of said lodge, and for the safe-keeping of its property, as they may, from time to time, deem necessary, not inconsistent with the Constitution and laws of the State of Kentucky and of the United States.

§ 5. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 802.

AN ACT to incorporate L. M. Cox Lodge, No. 327, Free and Accepted Masons, in Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the members of L. M. Cox Lodge, No. 327, of Free and Accepted Masons, in Christian county, be, and they are hereby, created a body politic and corporate, by the name and style of "L. M. Cox Lodge, No. 327," with perpetual succession; and by that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, of purchasing and holding all such real and personal estate as may be required for the use of said lodge, to any amount not exceeding at one time ten thousand dollars; to receive conveyances, to sell, dispose of, and convey any real estate they now have, or may hereafter acquire; they may use a common seal, and may alter or change the same at pleasure; they shall have power to compel their individual members to pay all dues and moneys which may be owed by each.

§ 2. The management of the business concerns of said lodge shall be, and is hereby, vested in, and confided to, O. A. West, C. C. West, and William Brown, the master and wardens of said lodge, as trustees, and to their successors in office, who, or a majority of whom, shall have full power to make all contracts pertaining to the real or personal estate of said lodge, which shall be binding and obligatory upon said lodge, when made in pursuance of the rules, by-laws, and instructions of said lodge; and service of process on either of said trustees shall be sufficient notice to said lodge.

§ 3. This act shall take effect from and after its passage.

Approved March 5, 1868.

1868.

CHAPTER 803.

AN ACT to incorporate Gustav Adolph Lodge, No. 5, American Protestant Association, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry Waterman, Henry Cassel, Henry Lochner, William Walker, Henry Keisker, and John Shappe, and their successors in office, be, and they are hereby, created a body-politic and corporate, by the name and style of Gustav Adolph Lodge, No. 5, American Protestant Association, of Louisville, with perpetual succession; and by that name shall be known and called, and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding and receiving, by gift or otherwise, all such real and personal estate as may be required for the use of said lodge; to receive all necessary deeds and conveyances; to sell, convey, and dispose of all such real and personal estate as they may now hold, or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of improvements thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to the officers of said lodge and their successors in office as trustees thereof, who shall have power to make all contracts pertaining to the real and personal estate of said lodge; and service of notice or process on any two of said officers shall be sufficient notice to said corporation.

§ 3. That the said trustees named in the first and second sections of this act shall hold their office until their successors are duly elected and installed in office. That any real or personal estate now owned by said lodge shall vest in the said trustees in the same way, and to the like extent, as if acquired after this act takes effect. They may have and use a common seal, and change the same at pleasure; but in conveying real estate, it shall not pass the title unless agreed to by a majority of the members of said lodge, entered upon their secretary's books.

§ 4. This act shall take effect from its passage.

Approved March 5, 1868.

CHAPTER 804.

1868.

AN ACT to incorporate the Woodford Coal and Wood Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. L. Childers, John C. Marshall, Samuel B. Lyons, Johnson Miller, and Willis Fields, and their associates and successors, be, and they are hereby, created a body-politic and corporate, by the name and style of the Woodford Coal and Wood Company, with all powers and authority incident to corporations, and such as are vested and created by this act, with succession for thirty years; and power to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; and to have and use a common seal, and to alter and change the same at pleasure. It shall have power to engage in the purchase and sale of coal, wood, plank, and other lumber; and for the purpose of carrying out the powers herein granted them, and of dealing in the above articles, said company may purchase and sell wood, coal, plank, and other lumber, in any quantities, and at any point in or out of this State, and transport, keep, and dispose of the same to whatever places, and wherever it may deem it expedient: *Provided, however,* That its principal place of business shall always be in Woodford county; and that nothing in this act shall interfere with any rights now, or which may hereafter be, vested, or repeal any laws in force now, or which may hereafter be in force, under and by which tolls, wharf rates, &c., are, or may hereafter be, due or collectable.

§ 2. The business of said company and control thereof shall be in a board composed of a president and four directors, all of whom shall be elected for a term of one year, and shall hold their offices until their successors are elected and enter on the discharge of their duties; and in case a vacancy from any cause should occur in said board, the remaining members thereof can fill the same by appointment until the next election. All stockholders who are not in arrear in the payment of any calls on their stock, shall have the right to cast one vote, either in person or by proxy, at the elections held by said company, for every share of stock they may own.

§ 3. That the capital stock of said company shall be fifty thousand (\$50,000) dollars, divided into shares of one hundred (\$100) dollars each, to be issued in such manner and upon such conditions as may be prescribed by the by-laws of said company; and so soon as forty shares of said stock have been subscribed by *bona fide* subscribers, and twenty-five per cent. of the same paid in, the company shall be considered as, and shall thereby be, organized, with the corporator, A. L. Childers, as president, and the said

1868.

John C. Marshall, Samuel B. Lyons, Johnson Miller, and Willis Fields as directors, which officers shall hold their offices for one year, and until their successors are duly elected.

§ 4. Said company shall have the power to purchase and receive title to two parcels of land in Woodford county of not more than five acres each, and may build thereon all houses, machinery, offices, &c., necessary for a wood and coal yard. It may also buy, own, run, and control wagons, carts, and boats, barges, tugs, and other water crafts, for the purpose of transporting from place to place the articles dealt in by said company.

§ 5. In case any stockholder fails for fifteen days after notice to pay to said company any and all calls upon his stock, said board shall have power to forfeit the same to the use of, and for the benefit of, the said company.

§ 6. This act shall take effect from and after its passage.

Approved March 5, 1868.

CHAPTER 805.

AN ACT to authorize the Hancock County Court to levy additional Taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hancock county, a majority of the justices of the peace of said county concurring, be, and is hereby, authorized to levy an *ad valorem* tax of eight cents on each one hundred dollars' worth of taxable property in said county, in addition to the tax now authorized by law.

§ 2. That said county court, a majority of the justices of the peace concurring, be, and is hereby, authorized to levy a poll tax of one dollar on each white male over the age of twenty-one years, in addition to the tax of two dollars now levied by law.

§ 3. That said county court, a majority of the justices of the peace concurring, be, and is, authorized to levy a tax of two dollars on each negro or mulatto male in said county, over the age of eighteen years, in addition to the tax now authorized by law, to be applied in the same manner and for the same purposes as other taxes so raised are now by law.

§ 4. That the sheriff collect and account for the taxes herein authorized to be levied, in the same manner, and under the same responsibilities, as other county levy is now collected and accounted for by said sheriff. That the taxes allowed to be levied by the first and second sections of this act be applied to the discharge of the present indebtedness and current expenses of the county.

§ 5. That the provisions of this act shall apply to the present year, eighteen hundred and sixty-eight, only, and said act shall take effect from its passage. 1868.

Approved March 6, 1868.

CHAPTER 806.

AN ACT to authorize the correction of the Survey and Grant to "Trustees of Augusta College."

WHEREAS, It is manifest that, in preparing the field notes of the survey for five hundred acres of land, located south of Walker's line, dated 31st October, 1826, in favor of "The Trustees of Augusta College," the surveyor omitted the fourth call of said survey, viz: "West two hundred and ninety-seven poles;" and that on the 4th December, 1826, grant was issued on said survey with the same omission; therefore, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Register of the Land Office be, and he is hereby, directed to correct said survey and grant, and the records thereof in his office, by inserting, by interlineation, after the words "South two hundred and thirty-five poles," and before the words "North two hundred and ninety-seven poles," the words "West two hundred and ninety-seven poles," and that he also attach a copy of this act to the record of said grant.

§ 2. This act shall be in force from its passage.

Approved March 6, 1868.

CHAPTER 807.

AN ACT to regulate Partnership Fences in Clark County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever a partnership partition fence shall have heretofore, or shall hereafter exist, either by contract or by acquiescence, it shall be the duty of each of the owners thereof to make his portion of said fence, to be, in all respects, a lawful fence, as required by the Revised Statutes.

§ 2. That whenever one of the owners of such partnership partition fence shall fail, for five consecutive days, to keep his portion of said fence a lawful fence in all particulars, as required by the provisions of the Revised Statutes, the other owner thereof may give him written notice of his default, and require him therein to make said fence comply with the requirements of the law; and, upon his

1868.

failure, in five days after the service of the notice on him, to make his portion of said fence a lawful fence as required by the Revised Statutes, the other owner may apply to any magistrate of the county, who shall, upon his making affidavit of the facts above required, issue his warrant to the sheriff of the county, directing him to summon a jury of housekeepers, to appear on the premises at a time to be fixed by the sheriff, not exceeding five days from the date of the warrant (giving the defendant at least one day's notice of the time and place of meeting), whose duty it shall be, after being first duly sworn by the sheriff, to find whether the defendant's portion of said fence is, in all respects, a lawful fence; and if it be not a lawful fence, then, by their verdict, to ascertain and assess the amount that will be necessary to make said portion of the fence in all respects a lawful fence.

§ 3. The sheriff shall, on the same day or the next, return the inquest of the jury (which shall be signed by them) to the office of the magistrate who issued said warrant, who shall indorse the time of said return thereon. Upon the return of the inquest, the magistrate shall at once enter up a judgment adjudging the fence to be or not to be a lawful fence (as found by the inquest); and if the jury find the fence not to be a lawful fence, then to render a judgment in favor of the plaintiff for the sum assessed by the jury, and the costs of the proceeding; and if the jury find the fence to be a lawful one, then to render a judgment in favor of the defendant for his costs.

§ 4. Either party may appeal from the judgment of the magistrate to the circuit court, in manner provided by law for appeals from justices' courts, except that the appeal shall be taken in five days. Upon the appeal the appellant may demand a jury, who shall retry the question as to whether said fence was or was not a lawful one at the time of the inquest; and, if it was not a lawful one, to assess the amount that will be necessary to make said fence in all respects a lawful fence.

§ 5. It shall be the duty of the plaintiff, in cases in which the verdict of the jury is in his favor, to proceed, in five days after the rendition of the judgment, to make the condemned fence comply, in all respects, with the requirements of the Revised Statutes upon that subject, unless the judgment be stayed by an appeal, as above provided; and, for this purpose, he shall have the right of ingress and egress to the premises. If the plaintiff fails to comply with this requirement within ten days after the time at which he is authorized to commence the repair of said fence, and to file, within said ten days, an affidavit with the magistrate that he has made said fence a lawful fence, as required by law, then the whole proceeding shall cease,

1868.

and the defendant shall recover his costs. Upon the filing of said affidavit by the plaintiff, the justice shall issue an execution for the amount of the assessment of the jury and the plaintiff's costs, unless the defendant shall appear and make oath that the fence, as repaired, is not a lawful fence, in which case the magistrate shall adjourn the proceeding until his first regular term, when he shall hear the parties and their witnesses, and finally determine whether said fence, as repaired, be or not a lawful fence, and render judgment accordingly, upon which execution may issue immediately.

§ 6. When the verdict of the jury is for the defendant, the magistrate shall, in five days thereafter, issue an execution against the plaintiff for defendant's costs.

§ 7. The magistrate shall receive, for issuing said warrant and indorsing upon the inquest the date of its return, the same fee allowed by law for issuing a writ of forcible entry and detainer, and for issuing subpoenas, rendering and recording judgments, and issuing execution thereon, the same fees allowed him by law for similar services. The sheriff shall be allowed to receive, for summoning the jury, swearing the same, and all services incident to holding the inquest, the fee allowed by law for executing a writ of forcible entry and detainer.

§ 8. This act shall only apply to Clark county, and shall be in force after thirty days from its passage.

Approved March 6, 1868.

CHAPTER 815.

AN ACT for the benefit of C. A. Duncan, late Sheriff of Calloway County.

WHEREAS, It has been made to appear satisfactorily to this General Assembly that C. A. Duncan, late sheriff of Calloway county, was, on the 12th January, 1862, forced by Confederate soldiers to pay W. Messick, Commissioner of the Provisional Government of Kentucky, twelve hundred dollars, being part of the revenue of the State for the year 1861, which amount he protested against paying; and whereas, it further appears that the said C. A. Duncan has since paid into the Treasury of this State the full amount of the revenue due from his county for the year 1861; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is ordered and directed to draw his warrant on the Treasurer of this State in favor of the said C. A. Duncan for the sum of one thousand two hundred dollars.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1868.

1868

CHAPTER 816.

AN ACT for the benefit of A. W. Nickell, Sheriff of Johnson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of State in favor of A. W. Nickell, sheriff of Johnson county, for the sum of one hundred and fifty-three dollars and sixty cents, being amount due him for mileage, &c., expended by him in conveying Jemima Borders, a pauper lunatic, from Paintsville to the Eastern Lunatic Asylum.

§ 2. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 817.

AN ACT for the benefit of the Sureties of J. T. Young, late Sheriff of Lyon County.

WHEREAS, It has been made known to the General Assembly of Kentucky that J. T. Young, late sheriff of Lyon county, but now deceased, was, in January, 1862, forced, against his will, to pay to a collector for the Confederate States the sum of five hundred dollars, which he had collected of the State revenue of said county for the year 1861; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor shall draw his warrant on the Treasurer in favor of John Boyd, administrator of said Young, for the sum of five hundred dollars; and said administrator shall use the same to reimburse the sureties of said Young for paying into the Treasury the amount thus forcibly taken from said Young.

§ 2. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 818.

AN ACT to incorporate the City Banking Company, of Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That Daniel Wolff, H. D. Helm, P. Guilfoyle, Geo. R. Fearons, F. M. Webster, Frank Schewerman, and P. Walsh, together with their associates, successors, and assigns, be, and they are hereby, appointed and made a corporation and body-politic, under the name and style of "The City Banking Company," of Campbell county; and

shall continue until the first day of January, 1899; and by that name are made capable in law to have, hold, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, goods, chattels, private or public securities of any kind, not exceeding at any one time the sum of one hundred thousand dollars; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; also to make and use a common seal, and the same to break, alter, or renew at pleasure; also to ordain, establish, and put in execution such by-laws as may be necessary or convenient for the government of said corporation, not contrary to law.

1848.

§ 2. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each.

Capital stock.

§ 3. The incorporators named in the first section of this act, or any two of them, shall, within twelve months from the passage of the same, open books for the subscription of stock; and when two hundred shares shall have been subscribed for, said incorporators shall give notice of a meeting of the subscribers, when five dollars shall be paid on each share subscribed for, and the company may be organized, when the remaining twenty dollars shall be secured to be paid, at the time and in the manner that shall be designated by the shareholders who have paid in five dollars on each share subscribed for. Corporators named who shall fail to subscribe for stock shall not be members of the company; and all such subscribers as shall fail to pay five dollars on each share subscribed for, on the day designated in the above named notice, shall cease to be stockholders, and stock subscribed for by them may be subscribed for by others, under the direction of the person or persons who received the original subscription; and in case any subscriber shall fail to pay any call made by the board of directors, who are hereby authorized to make such calls, for the unpaid balance of his subscription, and remain in default sixty days after having been duly notified, the board may sue for and recover the same in any court of competent jurisdiction; and the board of directors may, in their by-laws, prescribe the manner in which the capital stock shall be increased; but in no event shall it exceed one hundred thousand dollars.

May open books and when to organize, &c.

Stock may be subscribed.

§ 4. The business of this company shall be managed by five directors, to be chosen by the subscribers, and no director shall hold less than twenty shares of stock. An election for directors shall be held at the first meeting of the subscribers, and the directors then elected shall continue in office until the first Monday in January next succeeding, or until their successors are chosen; and, on the

Who to manage.

Elections of directors.

1868.

first Monday in January of each year thereafter, an election for directors shall be held at the office of the company, under the direction of three stockholders, who shall have been appointed by the directors for that purpose; such election shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock represented. The same rule of voting stock shall apply to all questions submitted to the decision of the stockholders. Should an election for directors, from any cause, fail to be made on the day herein designated, the corporation shall not, from that cause, be dissolved, but any and all elections made subsequent thereto, by competent authority, shall be deemed valid and so held.

President &
other officers to
be appointed.

§ 5. The board of directors may choose one of their members as president, in such manner and for such a period as they may ordain; and may employ such other clerks, officers, agents, or servants, as they may deem necessary to a proper conduct of the affairs of the company, fix their salaries, prescribe their duties, and, at their option, may require bonds, with security, for the faithful performance of their duties; and may also require each officer to make oath before a justice of the peace that he will honestly and faithfully discharge all his duties as an officer of the corporation.

Quorum.

§ 6. A majority of the board of directors shall form a quorum for the transaction of business.

When to com-
mence business

§ 7. Whenever the said five dollars on each share shall have been paid in, and the balance secured to be paid to the satisfaction of the president and board of directors, they shall have full power and authority, in the name of said company, to proceed with business.

Form of certifi-
cate, &c.

§ 8. The form of certificate of shares of stock, and manner of transfer of the same, shall be regulated by the by-laws of the corporation; and a lien is hereby created in favor of the corporation on the stock of each stockholder for the claim that the company may have for the unpaid part of his shares, or for other debts due or arising to said company; and no transfer shall be made except by consent of the board of directors.

May do business
as a savings
bank.

§ 9. It shall be lawful for this corporation to do business as a savings bank; and, as such, shall receive on deposit any sum of money, during banking-hours, if not less than one dollar; and interest, as agreed upon, not to exceed six per cent. per annum, may be allowed on such deposits.

Not to issue
money.

§ 10. In no case shall this corporation exercise the business of banking by issuing notes to circulate as money; but they may make advances on, and receive in pledge for money loaned or debts due them, public and private securities, goods, wares, merchandise, and may retain a

lien therein until the payment of the debt for which they became security.

1868.

§ 11. Said corporation may receive on deposit gold, silver, bank notes, or other currency, and shall be permitted to deal in the same; also in bills of exchange, promissory notes, and other evidences of debt, take personal or other security therefor, and dispose of the latter as may be agreed upon, in all respects as natural persons may do, and the promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discountee by it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange, and a like remedy may be had thereon, jointly or severally, against drawers or indorsers.

May receive deposits of gold, silver, &c.

§ 12. It shall be the duty of the president, within the month of January of each year, to cause to be paid into the Treasury of this Commonwealth the full amount of tax now required by law of banking companies.

To pay State tax.

§ 13. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 819.

AN ACT to incorporate the Henderson Horse-Shoe Bend Fence Company, of Henderson County.

WHEREAS, The sections of land in Henderson county, Kentucky, lying between the mouth of Green river and the high land on the bank of the Ohio river, above the city of Henderson, are subject to overflow; whereas, all timber on said lands suitable for making rails has been consumed, and it is now necessary to procure the rails elsewhere, and to transport them to the farms at heavy expense; and whereas, the late rise in the Ohio river during the winter of 1866-7 (like those of previous years), has swept away all the division, cross, and other fencing, from said lands; and whereas, post and plank fences have been found impracticable, since they are carried away like the rail fences by every flood; and whereas, it is desirable, in point of convenience, economy, and necessity, that one common fence should be built and kept up, from river to river (the lands above named forming a peninsula), the economy of such a fence being manifest in the fact that the extent of such a fence (inclosing all the lands) would be less than would be necessary to inclose any single farm there; the necessity existing in the fact, that when the floods occur late in the spring (as is quite often the case), it would be impossible to get in a crop at all if the farms were to be first fenced. It is further believed that the proposed common fence can be so located as to be made per-

1868.

manent; and whereas, the cost of said common fence should not, in justice, fall upon any one or two or three of the owners of said lands, but should rest, proportioned to their interests in said lands, upon all and every one alike; and whereas, there is a public county road passing across the line of the proposed fence, and permission has been granted by the county court to place a gate on said road, provided the parties petitioning for the same shall employ, at their expense, a gate-keeper to said gate for all travelers free of toll; and whereas, the expense of such gate-keeper, and the expense of keeping the fence in repair, and any and every expense necessary to the success of the project, should be borne alike by all parties receiving benefit therefrom; and whereas, it will be necessary to have such rules and regulations, with power to enforce them, as will regulate the time of putting up stock inside of said inclosure, and to prevent the turning loose of stock before all parties shall be in a condition not to be injured thereby, and to regulate many and various other matters connected with the use of a common fence, unnecessary to enumerate, since they will present themselves upon a moment's reflection; and whereas, it will be necessary to inflict fines and penalties in order to the enforcement of such rules and regulations as may be established—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. H. Major, John H. Stanley, Harbison Butler, F. E. Walker, Wm. McClain, Geo. Atkinson, Arch'd Dixon, sr., John K. Smith, Hugh Tate, A. B. Barrett, and Andrew Cirkles, and such other persons in their stead as may hereafter succeed to the ownership of the lands now owned by them (and lying and being in the county of Henderson, between the mouth of Green river and the city of Henderson, bounded by the Ohio river on three sides, and the river ridge on the fourth, and subject to overflow from the waters of the Ohio), be, and are hereby, constituted a body politic and corporate, under the name and style of the "Henderson Horse-Shoe Bend Fence Company," with power to sue and be sued, to contract and be contracted with, for the specific purposes as set forth in the foregoing preamble, and to-wit: to build and re-build, and keep in repair from year to year, one common fence (post, plank, or rail), inclosing their land hereinbefore mentioned, provided said fence shall not be built upon the lands of any other parties than those named in this act, with further power to employ and salary a gate-keeper.

§ 2. They shall elect of their number a chairman, a secretary, and a treasurer, two thirds of the parties above named constituting a quorum for such elections, or for the transaction of any business whatever. In the event of the

division and sale of any of the lands inclosed by the common fence, increasing the number of parties in this corporation, by virtue of the first section of this act, it shall still require two thirds of all the parties to constitute a quorum for the purposes set forth in this section.

1868.

§ 3. They may have power to pass any rules and regulations, and to impose fines and penalties, they may deem proper to insure the success of the object of this act.

§ 4. It shall be the duty of the secretary to make all contracts involving the expenditure of money; but no such contracts shall be binding upon the company until submitted for their approval, and countersigned under their order by the chairman, a record of the yeas and nays being kept by the secretary; and when it becomes necessary to meet the expense incurred by any contract of the company, it shall be the duty of the secretary to assess a specific tax upon the parties named in this act, or hereafter becoming parties by virtue of this act, in proportion to the number of acres of land owned by each, which shall be determined by the deeds filed in the clerk's office, sufficient in the aggregate to cover said expense, and to deliver a copy of such assessment or assessments, over his official signature, to the treasurer.

§ 5 It shall be the duty of the treasurer to collect all assessments made and delivered to him by the secretary, from the parties against whom such assessments have been made; and he is hereby granted the power to collect the same by law; and to secure the payment of any such assessments, the company shall have a lien upon the lands inclosed by the common fence, and against which the assessment has been made, which lien may be enforced by any court of competent jurisdiction in the county of Henderson. It shall further be the duty of the treasurer to collect all fines imposed under the power granted in section three of this act, and he shall have the power to collect the same.

§ 6. It shall be further lawful for them to contract for the purchase, and purchase any fences or parts of fences that may be already built upon route of the proposed common fence, such purchase being in perfect keeping with the spirit of this act.

§ 7. First annual election to take place on the last Saturday in March, 1868, at which time there shall be chosen a president, secretary, and treasurer, each of whom shall hold their office till the next annual election, which shall thereafter be held on the first Saturday in January of each year. Any vacancy occurring in the office of president, secretary, or treasurer, shall be filled at any fixed meeting by regular election. Time of holding meetings to be fixed by the by-laws of the company.

Approved March 6, 1868.

1868.

CHAPTER 820.

AN ACT to incorporate the Broadhead Mining and Manufacturing Company in Rockcastle, Laurel, and Whitley Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Broadhead, James T. Gamble, John Caperton, James Guthrie, George W. Pottinger, Willie Broadhead, and R. P. Grissam, and their successors and assigns, are hereby created a body politic and corporate, under the name and style of the Broadhead Mining and Manufacturing Company; and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all of the courts and places; have a common seal, and alter the same at pleasure; may make by-laws and regulations for the government of said company and management of its affairs, provided the same are not inconsistent with the Constitution and laws of Kentucky and the Constitution and laws of the United States.

§ 2. Said company shall have power to appoint any one or more of its members, or other person, to manage and control its business, in such manner, under the official name of the company, and with such limitations of their duties and authority, as may be prescribed in the by-laws and regulations which may be, from time to time, adopted by said company.

§ 3. The capital stock of said company shall not exceed one million of dollars, to be divided into shares of one hundred dollars each, which may be subscribed and paid for and transferred in such manner as may be prescribed by said company in its by-laws.

§ 4. Said company shall have power to acquire and hold such estate and property, real or personal, in Kentucky, by purchase, lease, or otherwise, as it may deem necessary and proper for carrying on the mining for coal, the smelting of iron, the conversion of timber into lumber, the boring for oil and salt, and other products and deposits in the earth, the building of mills and erecting of dams across water-courses, for the purpose of manufacturing flour and all other articles aforesaid, and the building of all necessary machinery therefor; the power to sell and convey all such products, materials, and estate, or any part thereof, at pleasure, and may not only carry on the business herein indicated, but do such other things as may be necessary and incidental thereto; but said company shall have no banking privileges whatever.

§ 5. This act shall take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 821.

1868.

AN ACT to incorporate the Fishback Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. N. Fishback, J. Brent Fishback, Jacob Fishback, F. B. Bates, and James Boatman, and their associates, successors, and assigns, are hereby created a body politic and corporate, by the name and style of the Fishback Mining and Manufacturing Company; and by that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, answer and defend, in all courts and places, as a natural person; to have and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the Constitution and laws of this Commonwealth.

§ 2. The said company shall have power to purchase and hold such real estate in Kentucky, by lease, in fee, or otherwise, and such mining privileges, rights of way, and other easements, as it may deem necessary or expedient for its business; and shall have power to dig, bore, mine, and search for mineral oil, coal, salt, and other products and deposits of the earth, to extract, take out, develop, smelt, and refine, reduce, manufacture, and prepare for market any or all of said minerals, products, or deposits, and to transport or sell the same, in or out of the State; to buy, erect, or construct all machinery, tools, fixtures, and personal property deemed necessary or proper in carrying on said business or any part thereof; to sell, convey, transfer, or assign all or any part or interest in said estate, real or personal, corporeal or incorporeal, and to exercise any necessary or proper powers to carry out the expressed powers herein granted: *Provided*, That nothing herein contained shall be construed as granting to said company any banking powers.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars each, which shares shall be personal property, and transferable in such mode as may be prescribed by the by-laws of the company; and the persons named in the first section shall have the power to fix the time, place, and manner of voting for directors, who shall hold their office until the first annual election, which shall take place within twelve months thereafter, and annually from the time of the first annual election. The board of directors shall have power to open books for subscription of stock, and prescribe the manner of payment, and the grounds of forfeiture of stock subscribed for and not paid in as required.

1868.

§ 4. The by-laws shall provide for the annual election by the stockholders of a board of not less than three nor more than seven directors, who, when elected in each year, shall choose one of their number as president; and the president and directors shall hold their office until their successors are elected and qualified in the mode prescribed by the by-laws; and said board, or so many as the by-laws may provide, shall constitute a quorum for business, and may fill vacancies in the board occurring between annual elections.

§ 5. Each share of stock shall entitle the holder to one vote at the election of directors or in stockholders' meetings, and must be voted by the holder in person, or by virtue of a written proxy, signed by the holder; and no person shall be voted for or hold the office of director who does not own at least three shares of capital stock.

§ 6. The by-laws may provide for the appointment, employment, and payment of all necessary secretaries, treasurers, cashiers, and other agents, employees, and operatives, and for requiring bond and securities of such of its officers, and in such amount and penalty as it may deem proper, for the faithful discharge of their duties.

§ 7. The said company may, from time to time, as it may deem proper, make, declare, and pay dividends or profits, and distribute its net receipts and the proceeds of sales among the stockholders pro rata, according to the amount of stock held by each.

§ 8. The stockholders shall not be individually liable for the contracts, liabilities, and debts of said corporation; but the stock, privileges, rights, and properties held and owned by the corporation, shall be liable therefor.

§ 9. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 822.

AN ACT to incorporate the Falmouth Hydraulic, Mining, Lumber, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names, and cor-
porate powers.

§ 1. That Joshua Woodhead, W. W. Ireland, C. H. Lee, and their associates and successors in office, be, and they are hereby, incorporated and made a body corporate and politic, with perpetual succession, by the name and style of the "Falmouth Hydraulic, Mining, Lumber, and Manufacturing Company;" and by that name said company shall have all the powers, rights, and privileges of a corporation for the purposes herein specified, and which are or may be necessary to carry on said corporation and car-

ry out its objects and the design of its creation; with the right to have and use a common seal, to sue and be sued, to plead and be impleaded, to contract and be contracted with in their corporate name, in all the courts in and out of this Commonwealth.

1868.

§ 2. The object and intent of said corporation shall be to provide and establish a water power to propel machinery for manufacturing and other purposes; the mining, transporting, and vending of coal and other minerals; the mining of iron ore and other minerals, the manufacturing and vending the same, and transporting the same to market; the cutting, transporting, and vending of lumber, and all other things not inconsistent with the objects and designs of its creation.

Objects of corporation.

§ 3. The capital stock of said company shall not exceed at any one time five hundred thousand dollars, and shall be divided into shares of fifty dollars each; and lands, mines, mining rights, mills, factories, water-power, and realty, may be subscribed, as part or the whole of the stock of said company; the stock shall be held as personal property; and said corporators may, or any one of them, open books for the subscription of stock to the capital stock, at such times and places as they may designate, after twenty days' public notice thereof; and may organize said company after the subscription of stock to the amount of twenty thousand dollars; they may own such real estate necessary to the conduct of their said business, and acquire the same, and personal property, in any of the modes now prescribed by law for the acquisition of real and personal estate by individuals, and dispose of the same by such modes as individuals may, by sale and conveyance. They may take leases of lands, mills, and factories, or any of them, for the purpose of manufacturing, mining, or lumbering; and the directory, when they shall deem it for the best interests of said company, may lease out to individuals or other companies, and for such time as they may think proper, any lots of land for the purpose of having erected thereon factories, machine shops, or dwellings; may furnish the power to propel the machinery to the same, upon such terms as they may deem right and proper, and loan to said lessees any amount of money to assist them in the erection of their buildings, for such time as they may agree upon, at the rate of six per cent. per annum, not to exceed, however, the amount of one third of the cost of the erection of said building: *Provided*, They shall take the first mortgage upon said property to secure the payment of said money.

Capital stock.

May receive subscriptions of mining rights, &c.

Books for subscription of stock may be opened.

May own real estate.

May lease land, &c.

§ 4. The affairs of said company may be managed by five directors, who shall choose one of their number for their president. The president and directors shall make such by-laws and rules for the government of the corpora-

Who to manage.

May make by-laws, &c.

1868.

tion, fix days for the election of officers, appoint agents, and do all things necessary to carry out the objects of its creation, not inconsistent with the Constitution and laws of this State and of the United States.

When directors
elected, and
how stock
voted.

§ 5. The directors shall be elected annually, and hold their office until their successors are duly elected and qualified; a majority of all the votes cast shall be necessary to an election. The stockholders, at all elections, shall be entitled to one vote for each share of stock in said company, which vote or votes may be given in person or by written proxy. It shall be lawful for said company to construct or cause to be constructed a good substantial dam across South Licking river, at such point as said company may select, not, however, beyond two miles from the point said river empties into main Licking, and not more than ten feet high; and also to construct a canal, not more than one hundred feet broad, from said dam to the mouth of said South Licking. It shall be lawful for said company, with their superintendents, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burden, to enter upon the lands, in and over, contiguous, and near to which said dam and canal shall be constructed, having first given notice of their intention to the owners or occupiers thereof, or their agents: *Provided*, That if said company shall not agree with the owners of said land, upon which said dam is to be constructed, and over or through which said canal is to be constructed, as to damages the owner or owners may sustain by reason of said dam being erected, and said canal being constructed upon and through their land, then the company shall apply to the county court of Pendleton county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon the payment of the damages assessed, it shall be lawful for said company to erect said dam, and construct said canal, and dig and carry away any stone or gravel or other material necessary for the construction of said dam and canal, after paying to the owner or his agent the full value of the same: *Provided*, That the owner or owners of said land or material shall have the right of appeal as in other similar cases.

May erect dam
across South
Licking, and
construct canal

May enter upon
lands for that
purpose.

Proceedings in
case cannot
agree as to
value of land,
&c.

Treasurer and
other officers to
be elected.

§ 6. The directors shall elect a treasurer and such other officers as they may deem necessary; and said treasurer shall, before he enters upon the duties of his office, execute bond with security, to be approved by the directory, to the effect that he will perform the duties of his office, and upon demand by the directory, or their authorized agent, pay over any and all sums of money that may be in his hands as treasurer.

§ 7. The president and directors shall severally take an oath faithfully to discharge the duties of their respective offices to the best of their ability.

1868.

Officers to take oath.

§ 8. The president and directors shall have full power to enforce, by regular by-laws, and prescribe the mode of enforcing the payment of stock.

May enforce payment of stock.

§ 9. No banking privileges are hereby granted, and nothing herein shall be construed to grant such powers.

No banking privileges.

§ 10. The right to alter, amend, or repeal this charter, is reserved to the General Assembly.

§ 11. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 823.

AN ACT to incorporate the Florence Pottery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. S. Trimble, A. A. Trimble, and W. T. Boyd, and such persons as they may associate with them, be, and they are hereby, created and declared to be a body politic and corporate, under the name and style of the Florence Pottery Company; by which name they may sue and be sued, plead and be impleaded, both in law and equity; take and hold property, real, personal, and mixed, to the extent hereinafter provided; have and keep a common seal, which they may break and alter at pleasure.

§ 2. The capital stock of said company shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each; and said company may commence business under this charter whenever the sum of five thousand dollars of said stock shall be subscribed.

§ 3. The purposes of this corporation shall be the manufacture and sale of pottery or earthen-ware; and to that end they may purchase and hold real estate necessary to the prosecution of said business, not exceeding in value the amount of the capital stock hereinbefore mentioned.

§ 4. The management of the affairs of said corporation shall be intrusted to a board of three directors, to be selected annually by the stockholders, one of whom shall be named by said board as president of said corporation; and in the election of said directors, each stockholder shall be entitled to one vote for each share of stock he may own.

§ 5. That said board of directors shall have power to make such by-laws for the government and management of the affairs of said corporation as may be necessary: *Provided*, That the same shall in nowise conflict with the Constitution and laws of the United States or the State of

1868.

Kentucky; to appoint agents, make contracts, declare dividends, and in general to do and perform whatever may be necessary and lawful in and about the carrying on of said business.

Approved March 6, 1868.

CHAPTER 824.

AN ACT to charter the Woman's Hospital, of the State of Kentucky.

WHEREAS, The experience of the last twenty years has demonstrated the practicability of relieving, by means of suitable operations and treatment, many diseases of females which were formerly regarded as incurable; and whereas, cases of this description of long standing, and neglected because of their supposed hopelessness, are to be found in every county and neighborhood in the State; and whereas, the operations and treatment necessary to the cure of many of these cases can be much more successfully instituted in hospitals supplied with experienced nurses, and attended by surgeons and physicians who have made themselves familiar with such diseases and their treatment; and whereas, the cost of experienced nursing and skilled surgical and medical services is beyond the means of a large class of worthy women, who are especially liable to become the subjects of such diseases, unless offered by hospitals established and managed upon a charitable basis; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. F. Bullitt, Henry C. Hamilton, Rev. James Craik, Dr. B. M. Wible, Dr. George Ronald, Dr. Henry Miller, and the Rev. Stuart Robinson, be, and are hereby, appointed a body corporate and politic, by the name and style of the Governors of the Woman's Hospital, of the State of Kentucky; and by that name, style, and title are hereby made able and capable, in law and equity, to procure, by purchase, lease, donation, or otherwise, in the city of Louisville, a quantity of land not exceeding four acres, and to fit up or erect suitable buildings thereon for hospital purposes; and they are hereby authorized to procure, by subscription, donation, or otherwise, any sum, not exceeding \$200,000, for the purpose of procuring the land and building as aforesaid; and they and their successors may receive, enjoy, and retain lands, tenements, hereditaments, goods, chattels, effects, donations, gifts, grants, and contributions of whatsoever nature or quantity, to an amount not exceeding the aforesaid sum. They may demise, grant, alien, and dispose of, for the purpose of reinvesting to better advantage; may sue and be sued, plead and be

impleaded; may make and have a common seal; may make and ordain, establish and put in execution, such by-laws, ordinances, and regulations as they shall deem necessary for the good government of said hospital, not contrary to the laws of the State.

1868.

§ 2. That the governors hereby appointed shall meet as soon after the passage of this act as convenient, and organize by electing a president and such other officers as they may think necessary for the proper organization and management of said hospital; and shall at all times thereafter have power to appoint their own meetings; and, by an election held for that purpose, may fill any vacancy that may happen in their own body; and the president and governors, and their successors in office, shall have power to appoint and employ such officers as they may think necessary for the surgical and medical and general and special business management of the hospital, and compensate them for their services respectively, as they may deem necessary; and require security for the faithful discharge of their functions and trusts; and may exercise such other power for the well governing of the said hospital as shall be described and determined by the laws and ordinances of the same.

§ 3. That the president and governors of the Woman's Hospital of Kentucky shall have the power to receive, possess, and hold, for the purposes aforesaid, after the purchase of the land herein authorized, and the improvement of the same, and the erection of all necessary buildings thereon, so much, as when invested or funded, as they may deem most expedient, will produce an annual income to the hospital of (\$20,000) twenty thousand dollars: *Provided*, When the money or property held by, and vested in, the president and governors of said hospital, shall produce the income aforesaid, they shall be and remain incapable of holding or receiving any gift, grant, or donation whatsoever: *Provided, also*, That the president and governors, and their successors in office, shall at all times apply, lay out, and appropriate the money and property that may vest in them by virtue of this act, to the humane and benevolent purposes hereby intended, and in no other manner whatsoever.

§ 4. Ladies received into said hospital may be charged a reasonable price for board when entered and accommodated as private patients; and all persons received as private patients shall have the right to choose their surgeon or physician, but shall pay for any medical or surgical service rendered according to schedule of fees to be adopted by the president and governors of the hospital, or according to private contract. But the governors shall have the right to refuse to permit the visits to any patient in the

1868. hospital of any physician or surgeon not in good standing in the profession.

§ 5. The governors shall appoint five or more ladies of known respectability and benevolence, who shall constitute a board of visitors to visit said hospital, from time to time, and confer with the inmates, and see that their physical comforts, as well as their moral and religious interests, are properly cared for, and report to the governors any melioration which they may find necessary.

§ 6. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 825.

AN ACT to incorporate the Falls City and Ohio River Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby, created a corporation, by the name of the "Falls City and Ohio River Packet Company," with a capital stock of seventy-five thousand dollars, to be divided into shares of fifty dollars each, which corporation shall have perpetual succession; and by its said corporate name may sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; may have and use a common seal, and alter and change the same at pleasure; and make and establish by-laws, rules and regulations, for the efficient conducting of its business, and exercise all and any of the ordinances and powers of a corporation, necessary or proper to the carrying out the true intent and purpose of its creation.

§ 2. The said corporation shall have power and right to transport persons and property to and from the city of Louisville, along the Ohio river and its tributaries, and along such other rivers as may be necessary in the efficient and successful carrying on of commerce and navigation on said river; and may own, construct, repair, charter, hire, sell, and convey steamboats, flats, keels, and any other watercraft, with all equipments, appendages, and other personal property; and may also acquire, by lease or in fee, any necessary landing wharves, or other real estate, for the use of the corporation in its business, and sell and convey the same at pleasure; and do generally whatever is necessary to make efficient the said business of commerce and navigation on said rivers; and may make contracts with shippers to limit or fix its liabilities as common carriers.

§ 3. That A. A. Gordon, A. D. Hunt, Isaac Everett, R. J. Urher, and G. Spratt, be, and they are hereby, appointed commissioners, who, or a majority of whom, may open

books and receive subscriptions to stock in said corporation; and when one hundred shares have been subscribed, the commissioners shall give public notice, in one of the daily newspapers published in the city of Louisville, of a meeting of the stockholders in said city to elect a board of directors, and the vote of the stockholders may be given in person or by written proxy; and the five persons receiving the largest number of votes shall be declared directors, who shall hold their office for one year, and until their successors are elected and qualified.

1868.

§ 4. After each election of directors, those elected shall choose one of their own number as president of the board, who shall preside at their meetings, and be the chief officer of the corporation; they shall also appoint all other necessary officers, and provide for their compensation, and take all necessary bonds from officers of trust to insure the faithful performance of their duties.

§ 5. No person shall be elected a director who is not, at the time, a stockholder in said corporation. All vacancies by death, resignation, or otherwise, in the board, between annual elections, shall be filled by the board, or a quorum thereof; and a majority of the board in office shall, at all times, be a quorum for business.

§ 6. The said board shall demand payment of stock subscribed for in such installments, and at such times, as they may deem expedient; and if all of the stock is not subscribed for before the election, they and their successors may open or keep open the books for subscription of stock, or may sell that not subscribed for, for the benefit of the corporation, at not less than par; and may, by rules and by-laws, provide for the forfeiture to the company of any share or shares of stock subscribed for, and not fully paid or provided for; also the mode of transferring certificates of stock, which shall be deemed personal estate, and pass as such.

§ 7. This act shall take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 826.

AN ACT for the benefit of A. W. Cecil.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor shall draw his warrant on the Treasurer for ninety-five dollars, in favor of A. W. Cecil, the same being allowed the said Cecil, and hereby so appropriated in compensation for services and expenses in

1868. pursuing and capturing two men, Combs and Pack, charged with horse-stealing.

§ 2. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 827.

AN ACT for the benefit of W. O. Hampton, Clerk of the Boyd Circuit and County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from the first day of March, 1868, be, and is hereby, given to W. O. Hampton, clerk of the Boyd circuit and county courts, to collect his uncollected fee bills as clerk of said courts, provided said W. O. Hampton shall be amenable to the laws now in force for the issuing of illegal fee bills.

§ 2. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 828.

AN ACT to increase the Jurisdiction of the Police Judge and Town Marshal of Dycusburg, in Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Dycusburg, in Crittenden county, shall have original concurrent jurisdiction in civil cases within the corporate limits of said town of all sums evidenced by written contract or on account, where the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars, subject to appeals to the circuit and quarterly courts of said county, as in other cases now provided by law.

§ 2. The plaintiff in each action, where the sum in controversy exceeds fifty dollars, shall pay the same tax on each original summons as now required by law on petitions in the circuit and quarterly courts; and the police judge of said town shall collect the same, and pay it over in the same manner, and under the same rules and restrictions, as now required by law of circuit court clerks.

§ 3. The town marshal shall execute all processes issued by the police judge of said town, and be entitled to the same fees as constables for similar services, where the amount in controversy, exclusive of interest and costs, is fifty dollars or less; and he shall be entitled to the same fees as sheriffs where the amount is over fifty dollars; and

shall be liable upon his bond for any failure upon his part to faithfully discharge his duties, in the same manner that constables are by law. 1868.

§ 4. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 829.

AN ACT to enlarge the Jurisdiction and Powers of the Police Judge and Marshal of the Town of Wyoming.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of Wyoming, in the county of Bath, shall have, within the justices' district in which it is situate, the same jurisdiction, criminal and civil, that a justice of the peace now or shall hereafter have.

§ 2. The town marshal of said town of Wyoming shall have, within the said district, the same jurisdiction and powers that constables now or shall hereafter have by law.

§ 3. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 830.

AN ACT for the benefit of J. F. Yates, Police Judge of Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. F. Yates be, and he is hereby, allowed the further time to first day of March, 1868, to execute bond as police judge of Clinton county.

§ 2. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 831.

AN ACT to incorporate Fulton Lodge, No. 120, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Fulton Lodge, No. 120, of Free and Accepted Masons, of the city of Hickman, in Fulton county, be, and they are hereby, created a body politic and corporate, by the name and style of "Fulton Lodge, No. 120," with succession forever; and by that name and style shall be capable in law of contracting and

1868.

being contracted with, of suing and being sued, in all the courts of law and equity in this State or elsewhere, upon all contracts heretofore made, and upon all contracts hereafter made or liabilities incurred; to make, have, and use a common seal, and the same to break, alter, or change at their pleasure.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real and personal property, not exceeding in value the sum of fifty thousand dollars; to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the management and control of the five principal officers of the lodge, to be elected annually by the members of said lodge; and the duties of said five principal officers shall be prescribed by a majority of said members; and service of notice or process on any two of said five principal officers shall be sufficient notice to, or service of process upon, said corporation.

§ 4. The said corporation shall have power to pass all such by-laws, rules and regulations, not inconsistent with the laws of this State, as may be thought necessary by said corporation for the control, management, and safe-keeping of said property; interest, and concerns of the lodge.

§ 5. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 837.

AN ACT to prevent the sale of Spirituous Liquors by the small within one mile of the Town of St. Mary's, in Marion County.

WHEREAS, It has been represented to this Legislature that drinking and tippling is carried on to a very great extent in the town and neighborhood of St. Mary's, in the county of Marion; and whereas, the college of St. Mary's is situated within one half mile of said town, and the students therein are exposed to be ruined by the tippling-houses in and about said town; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell or vend ardent or spirituous liquors in, or within one mile of, the town of St. Mary's, in the county of Marion, in less quantity than one quart, and then not to be drank in said town or within one mile thereof; and any person or persons so offending shall be guilty of keeping a tippling-house, and subject to all the pains and penalties of keeping such a house; and the judge of the

Marion circuit court is required to give this act in charge to the grand jury for Marion county at each term.

1868.

§ 2. This act shall take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 838.

AN ACT to amend the Charter of the Town of Loretto, in Marion County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Loretto be so amended that the trustees of said town, and their successors, be, and they are hereby, authorized to grant coffee-house license; and that no person or persons shall retail any spirituous liquors in said town limits without first having obtained a license from said board of trustees: *Provided*, That no such license shall take effect until the applicant shall have paid to the clerk of the Marion county court the State tax for such license.

§ 2. That all former actions of said board of trustees are hereby legalized.

§ 3. That the vacancy in the office of marshal of the town of Loretto shall be filled by appointment by the board of trustees of said town until the next annual election for officers of said town: *Provided*, That the person so appointed shall qualify and give bond as required by the act to which this is an amendment.

§ 4. That the corporate limits of the town of Loretto be extended to one mile in every direction from the depot building.

§ 5. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 839.

AN ACT to incorporate the Town of Hinkleville, in Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Hinkleville, in Ballard county, as the same is now laid out, and to the extent of one half mile square, be, and the same is hereby, incorporated, with the several streets and alleys, and the lots as respectively laid out and numbered, or may hereafter be laid out, upon the plat of said town.

§ 2. That Jesse Hinkle, D. G. Dolton, J. W. Dolton, Charles Hinkle, William G. Scott, J. L. Scott, and George

1868.

Hinkle, be, and they are hereby, appointed trustees of said town, who shall choose one of their number as chairman, and a majority shall constitute a quorum to do business; and they shall remain in office until the first Saturday in September, 1868, and upon which day, and upon the first Saturday in September in each succeeding year thereafter, the free white male citizens of said town entitled to vote for representatives to the General Assembly, of the age of twenty-one years and upwards, shall meet at such place as shall be designated by the trustees of said town, and choose seven fit persons by vote, *civa voce*, to serve as trustees of said town for one year, and until their successors are duly elected and qualified.

§ 3. That said trustees, and their successors in office, are hereby created a body politic and corporate, by the name of the "Chairman and Board of Trustees of the town of Hinkleville;" and in that name to sue and be sued, contract and be contracted with; that they shall have power to enact ordinances, by-laws, and regulations, for the government of said town, not inconsistent with the constitution and laws of this State or of the United States; to levy a tax on the property, real and personal, of said town, not exceeding in any one year fifty cents on the one hundred dollars; to appoint an assessor to value and list said property; and the marshal shall be collector of said tax, the same to be applied for the purposes of said town, under the management of the chairman and trustees; said assessor shall also list each poll in said town, and a poll tax may be levied, not exceeding one dollar on the poll, by said assessor.

§ 4. That the town marshal shall collect all of said taxes, and for that purpose may make distress and sales as sheriffs are now by law authorized to collect the revenue of this State; the trustees shall require him to give bond with good security, payable to said chairman and board of trustees, for the benefit of any person aggrieved by his failure in his official duty; and the chairman and board of trustees shall make him a reasonable compensation for his services.

§ 5. That on the same day that sheriffs of this Commonwealth are elected, the qualified voters of said town shall elect a marshal of said town, who shall hold his office for the same time as sheriff; that said marshal shall have and possess, within said town, all the powers of a constable, and is authorized to serve any process; and said marshal shall be held responsible upon his bond aforesaid for all things pertaining to his office; that suit may be brought upon said bond in the Ballard circuit court, by any person aggrieved, against said marshal and his sureties; that before he acts he shall take the oath required by law for a

constable; and he may serve all process within said town, issued to him by any justice of the peace of said county, and return the same before such justice; and shall be entitled to the same fees as constables are entitled to for similar services.

1868.

§ 6. That at the same time the marshal of said town is elected, as is provided for in the fifth section of this act, the qualified voters of Hinkleville shall elect a police judge for said town, whose jurisdiction shall be the same as now fixed by law, and shall hold his office for two years, and until his successor shall be elected and qualified.

§ 7. That the trustees of said town may appoint a clerk, whose duty it shall be to keep a fair record of the proceedings of the board of trustees; he shall give public notice by advertisement in said town, of any election required to be made under this charter, at least ten days before such election; and it shall be his duty, in conjunction with the marshal of said town, to conduct such elections, to determine the qualifications of the voters, to declare the persons elected, and record the same.

§ 8. That the trustees shall have full power to fill all vacancies in their own body occurring between the times of an election.

§ 9. That all officers of said town, and the trustees, before entering upon the duties of their offices, shall take an oath before some justice of the peace for Ballard county, well and truly to perform the duties of their respective offices, before entering upon the same.

§ 10. This act to take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 840.

AN ACT to amend the Charter of the Town of Stanford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Stanford be amended as follows: That the board of trustees of the town of Stanford shall have the exclusive right to regulate the sale of spirituous liquors in said town; they shall also have the right to tax, and the exclusive right to license, all taverns in said town; but tavern-keepers and vendors of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid; and no license shall be granted to any one to vend spirituous liquors in said town, until after the payment of the tax therefor imposed by the board.

1868.

§ 2. That said board of trustees shall have authority to impose a tax of not less than two hundred, nor more than three hundred dollars per year, upon each person to whom they issue a license to vend spirituous liquors.

§ 3. They shall have power and authority—a majority of the trustees concurring—to suspend, either indefinitely or for a limited period, within their discretion, any license which they may have granted to a tavern or coffee-house-keeper, who has permitted any unlawful gaming in his house, or has permitted any disorderly or indecent conduct to be practiced or committed in his house, or has permitted any person to tipple or drink to intoxication therein: *Provided, however,* That no license shall be suspended until said tavern or coffee-house-keeper shall have had at least five days' notice in writing, signed by the chairman or one of the board of trustees, setting forth the grounds of complaint; and unless he has been permitted to show cause, if any he can, why his license should not be suspended. If any person, whose license shall have been thus suspended by said board, shall afterwards sell by retail any spiritous liquors or wines, he shall be deemed guilty of keeping a tippling-house.

§ 4. The trustees of said town shall have the power and authority to appoint an attorney, whose duty it shall be to prosecute all claims in behalf of said town; and in the absence of the town attorney, the police judge is hereby authorized to appoint one to act in his stead.

§ 5. This act to have effect from and after its passage.

Approved March 6, 1868.

CHAPTER 841.

AN ACT to amend section 14 of an act approved March 9th, 1867, entitled "An act to incorporate the town of Prestonsburg."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 14 of an act, entitled "An act to incorporate the town of Prestonsburg," be so amended as to read as follows, to-wit: "The act heretofore passed to sell the alleys or cross streets on the south side of, the town of Prestonsburg is hereby repealed, and the trustees are authorized to open any such alleys or streets as may be now closed."

§ 2. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 842.

1868.

AN ACT to extend the Corporate Limits of the Town of Milburn, in Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the corporate limits of the town of Milburn, Ballard county, be hereby extended so as to embrace the following boundary: Beginning at the southwest corner of Dr. McKinney's line, thence running east to the southeast corner of M. Thomson's line; thence due north to the northeast corner of William Reddick's line; thence due west to the Quigley corner; thence due south to the place of beginning.

§ 2. That the charter and laws applicable to the town of Milburn are hereby extended to the boundary hereby added to said town.

§ 3. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 843.

AN ACT to amend and reduce into one the several acts concerning the Town of Versailles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to increase the powers of the Trustees of the Town of Versailles, and to establish a police court in said town," and which was approved February 20th, 1840, and all acts amendatory thereto, be amended as follows, to-wit: That so much of Woodford county as is embraced within six hundred and sixty yards, in every direction, from the center of the "Public Square" in said town, as now inclosed by fence, and on which the court-house for said county is built, be, and the same is hereby, declared to be a town, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of the "Town of Versailles;" and as such, by that name, shall be capable in law of owning and holding property, contracting and being contracted with, of suing and being sued, and pleading and being impleaded, in all courts and places, and in all matters whatsoever; and may have and use a corporate seal, and change, alter, and renew the same at pleasure.

Former act amended.

Boundary of town.

Body corporate, name and style, &c.

§ 2. The fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in one principal officer, to be styled the "Chair-

Board of trustees, &c.

1868.

man of the Board of Trustees of Versailles," and six trustees, all of whom shall be elected annually in the manner hereinafter provided, for a term of one year, and shall continue in office until their successors be duly qualified.

To take oath. § 3. That the chairman and trustees shall, before entering upon the discharge of their duties, take and subscribe to an oath (in addition to the oath or affirmation prescribed in the Constitution), before a justice of the peace, that they will faithfully and impartially discharge all the duties of their respective offices; which oath, with the certificate of the justice, shall be filed with the papers of the town.

If trustee refuse to qualify, &c. If the chairman or any trustee shall fail or refuse to qualify within twenty days from his election, he shall thereby vacate his office, and the trustees who have qualified shall declare his office vacant, and proceed to appoint some other person in his place; but if not more than two of the persons elected trustees have qualified within the time prescribed above, then the former board of trustees shall fill, by appointment, the vacancies occurring by such failure; if there is a vacancy in said offices by reason of any thing other than above mentioned, it shall be filled by the then acting trustees; and any person appointed under this section shall hold his office until the next annual election, and until his successor be duly qualified, and shall have and exercise the same rights and powers as if he had been elected at the regular election.

Quorum: § 4. The chairman and the majority of the trustees shall constitute a quorum for the transaction of business, and they may regulate by ordinances and by-laws the times and places of their meetings. The chairman shall preside over the meetings of the trustees (which in all cases must be public), and shall give the casting vote when there shall be a tie; he may enforce good order at such meetings and the attendance of the trustees by fine not exceeding five dollars; and, in his absence, the trustees may elect one of their own number to act as chairman *pro tempore*, who shall, in addition to his vote as trustee, have all the powers for the time that are herein granted to the chairman. The chairman may appoint all necessary committees among the trustees, and compel them to serve on the same and perform their duties by fine not exceeding five dollars.

Chairman to preside at meetings of board.

President pro tem.

Appointment of committees.

May pass by-laws, &c. § 5. The said board of trustees shall have power to make such rules, regulations, by-laws, and ordinances, for the purpose of maintaining the peace, good order, and government of the town, and the trade, commerce, and manufactories thereof, as the board may deem expedient, not repugnant to the Constitution of the State and the laws made in pursuance thereof, and to enforce the

observance thereof by fine not exceeding one hundred dollars for any one offense, except as herein provided; and to make all ordinances which shall be necessary and proper for carrying into effect the powers vested by this act in the corporation, the town government, or any department or office thereof.

1868.

§ 6. The board of trustees shall have power within the limits of the town, in addition to the other powers granted by this charter—

Powers of trustees.

1. To appropriate money and provide for the payment of the debts and expenses of the town.

To appropriate money.

2. To make regulations to prevent the introduction or spreading of contagious or infectious diseases in the town; to pass quarantine laws for that purpose, and to enforce the same in the town and within a half mile of the outside limits of the town.

To make regulations in regard to contagious diseases.

3. To establish hospitals and pest-house, and make regulations for the government of the same.

Hospitals and pest-houses.

4. To make regulations to secure the general health of the inhabitants of the town.

Health of town.

5. To provide the town with water; to erect hydrants, fire-plugs, cisterns, wells, and pumps in the streets within the limits of the town, for the convenience of the inhabitants of town and its environs.

To provide town with water.

6. To establish, erect, and keep in repair bridges, culverts, and sewers, and regulate the use of the same; to erect dams and cover them over when the interest of the public require it.

To erect bridges, &c.

7. To provide for lighting the streets, market-houses, and public buildings, rooms, and offices with gas or other material.

To provide for lighting streets.

8. To establish, support, and regulate policemen, night-watches, patrols, and prescribe their duties and compensation.

To establish and regulate police, &c.

9. To erect market-houses, establish market places, and provide for the government and regulation thereof; and appoint inspectors of the articles sold therein, and to provide for the condemnation and destruction of stale, unwholesome meats or vegetables, and to prevent the sale of the same.

To erect market houses, &c.

10. To provide for the erection and repair of all needful public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town.

Public buildings, &c.

11. To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds.

Suppress gaming.

12. To provide for the prevention and extinguishment of fires, and to regulate and establish fire companies; also, to regulate and restrain the erection of wooden buildings, and provide for the removal of the same when built contrary to the ordinances of the town; to appoint fire-

In relation to fires.

1866.

wardens and property-guards, with full power to arrest and keep away from vicinity of any fire idle or suspicious-looking persons lurking near the same, and to compel any person or persons present to assist in extinguishing fires or preventing the spreading of fires; and to have power to compel all persons present at a fire to assist in the preservation of property exposed to the dangers of the fire, and to prevent the purloining or stealing goods or property at such fire, and such other power and duties as may be prescribed by ordinance.

Sweeping of
chimneys.

13. To regulate the sweeping or cleaning of chimneys, and to fix the fees therefor, and prescribe the manner of their collection.

In relation to
storage of com-
bustibles.

14. To regulate the storage of gunpowder, tar, pitch, rosin, hemp, cotton, and all other combustible materials; and to appoint some suitable person or persons, at seasonable times, to enter and examine such houses as they may designate, in order to ascertain whether any of such houses are in a dangerous condition with reference to fires, and to cause such as are in a dangerous condition to be immediately put in secure order and condition.

Public scales,
&c.

15. To erect and keep in repair accurate public scales, and appoint a public weigher to attend to the same, and fix fees and compensation for his services; to establish standard weights and measures to be used in the town in all cases where the same is not provided for by law.

Inspection of
butter, lard,
&c.

16. To provide for and regulate the inspection of butter, lard, and other provisions; to regulate the vending of meat, poultry, and such other articles of consumption within the town as may be enumerated by ordinance.

Appoint
officers, &c.

17. To provide for appointment of all officers, servants, or agents of the town not otherwise provided for, and fix compensation and fees for their services and the duration of the terms of their offices.

Fix compensa-
tion of town
officers, jurors,
&c.

Erect work-
house, &c.

18. To fix the compensation of all town officers and provide for and regulate pay and fees of all jurors, witnesses, and others, for services rendered under this act or any ordinance of the town. To erect a work-house, poor-house, and house of correction, and to provide for the regulation and government thereof, and to otherwise provide for the poor of the town.

Prevent riots,
&c.

19. To prevent or restrain any riot, rout, noise, disturbance, or disorderly or unlawful assembly in any street or other place in said town, or any breach of the peace therein, and to provide for the arrest and confinement and trial and punishment of the parties engaged or taking part in the same.

To prevent
encroachments
upon streets,
&c.

20. To prevent and remove any and all encroachments into or upon or over any street, alley, side-walk, lane, avenue, or public square heretofore existing or established under this charter or by ordinance, and to exercise com-

plete and perfect control over all public squares or commons belonging to the town, and over all property, real or personal, belonging to the town, lying within or beyond the limits of the town.

21. To appoint and remove at pleasure, and to prescribe the duties, compensation, and fees of the following officers, agents, and servants of the town: warden or keeper of the work-house and house of correction, keeper of the poor-house, keeper of the pest-house, superintendent and keeper of the hospital, town physician, market-masters, inspectors, gaugers, sextons, weighers, measurers, and attorneys-at-law to act for said town.

To appoint certain officers, and remove the same, &c.

22. To provide for the prevention of training or breaking horses or exhibiting stallions in the public streets and places of the town, or standing them within the limits of the same.

To prevent training of horses in town.

23. To provide for the removal from the limits of the town, or killing, of mischievous, vicious, or diseased animals, and for the punishment, by suitable fines and penalties, of the owner or keeper of such animals for allowing them to go at large.

To remove vicious animals &c.

24. To tax all dogs kept within the limits of the town in any sum not exceeding ten dollars per annum, and to pass ordinances to provide for the killing of all such dogs upon which the tax is not paid, or for fining the owners thereof.

Tax dogs.

25. They shall have the right to prevent, abate, and remove nuisances at the costs and expense of the owners or occupiers or of the parties upon whose grounds they exist: *Provided, however,* That if the thing complained of as a nuisance be in the nature of a permanent improvement or structure of the value of more than twenty dollars, or if the actual damage accruing to the owner from such abatement or removal, or the costs or expense attendant on the abatement or removal, exceed said sum, the person in actual possession of the property, if a resident of Woodford county, shall be notified, in writing, that a motion will be made at a meeting of the said board of trustees to declare the thing complained of a nuisance, which notice shall state the time and place of the meeting, describe the thing proposed to be declared a nuisance, shall be signed by the chairman or one of the trustees, and may be served as notices are served under provisions of Civil Code; and if the thing complained of be declared a nuisance at the meeting mentioned in the notice, or at any meeting adjourned therefrom, and if the same is not abated or removed by the owner or occupier of the land within twenty-four hours therefrom, the chairman and board of trustees may cause such nuisance to be removed or abated at the costs and expense of the owner or occu-

To prevent and abate nuisances, &c.

1868.

1868.

pier, or both, of the land; but if the person actually in possession of the land be not a resident of the county, the board of trustees of the town of Versailles may proceed to remove or abate the nuisance without any such notice, at the costs and expense of any such parties. Said board shall have the power to define and declare, by ordinance, anything already existing, or what shall be a nuisance within the limits of the town, and to punish by fine any person for keeping, causing, erecting, or committing a nuisance, in any sum not exceeding two hundred and fifty (\$250) dollars.

May locate
cemeteries, &c.

§ 7. The board of trustees shall have power to purchase lands for and locate cemeteries, either within the town limits or elsewhere in Woodford county, to sell the lots within the same, and appropriate the moneys arising from said sales to the benefit of the cemeteries or of the town; and they shall exercise full and complete control over any cemeteries that the town may now have, or may hereafter purchase, and have power to erect and keep in repair public vaults at the expense of the town.

May prevent
vulgar language, &c.

§ 8. They shall have power to prevent by ordinance any obscene, vulgar, or bawdy language, and any indecent practices, exposures, or acts, in any public places within the limits of the town, and may punish by suitable fines or penalties any person so offending.

May prevent
introduction of
paupers.

§ 9. They shall have the power to prevent the introduction in the town, or within one mile of its limits, of any person who is a pauper, or who is likely to become a charge upon the town or county from disease, old age, or any other cause, and punish by fines, in any sum not exceeding one hundred dollars, any person so offending, and return the pauper, or the person likely to become a charge upon the town or county, at the cost and expense of person offending.

May establish
free schools.

§ 10. They shall have power to establish free schools in said town, to furnish rooms for the same, and make appropriations and receive donations for such purposes, and govern the same under such rules and regulations as they may make.

POLICE COURT.

Police court
established;
judge thereof,
&c.

§ 11. There shall be established in said town a court, to be styled the Police Court of Versailles, which shall be held by one judge, who shall be called the Police Judge of Versailles, and shall be elected by the qualified voters of said town at the same time, in the same manner, for the same term, and have the same qualifications, as county judges. He shall, before entering on the discharge of his duties, in addition to the oaths prescribed by the Constitution, take the oath prescribed for circuit judges; and, on

To take oath.

failure for twenty days so to do, his office shall be declared vacant by the board of trustees.

1868.

§ 12. Said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said town, and jurisdiction of all pleas of the Commonwealth arising within the limits of said town, except cases of felony. It shall have power to take recognizances from persons charged with offenses cognizable before said court to appear and answer, the same that circuit courts have, and like power to forfeit the same, and shall proceed in the same way thereon that circuit courts are directed to proceed. It may commit persons to the jail or work-house in default of bail, and shall have all the powers for the arrest, trial, conviction, and punishment of persons for all the offenses over which it has jurisdiction that are given the several courts of this State having jurisdiction over like offenses, and may proceed in the same way for the trial of such offenses, and may inflict the fines and punishments and enforce the collection of same, as such courts are by law authorized to do.

Jurisdiction of court.

§ 13. Said police court shall have original and concurrent jurisdiction of all cases of riots, routs, unlawful assemblies, assaults, batteries, affrays, or other breaches of the peace committed within the limits of said town. It shall also have original and concurrent jurisdiction over all cases of larceny of goods, chattels, or other things of less value than four dollars committed within the limits of said town, [and] over all cases of vagrancy therein.

To have original jurisdiction of riots, &c.

§ 14. It shall have concurrent original jurisdiction with the justices of the peace of Woodford county, in the justices' district in which said town is situated, in all civil cases and proceedings.

Concurrent jurisdiction with justices of the peace.

§ 15. There shall be a quarterly term of said court, to be begun on the third Monday in the months of March, June, September, and December, in each year, and held as many days as the business of the court may require; but said court may be held at any time for the trial of all criminal cases and cases for breaches of town ordinances; and the provisions of the criminal code, except where inconsistent with this act, shall apply to proceedings in all such cases. Where a person is brought before said court charged with an offense over which it has jurisdiction, but which requires an indictment, the court may either order a grand jury to be summoned at once, and, if they return an indictment, proceed with the trial as soon as may be at that term of the court, or it may sit as an examining court; and if the defendant is held for further trial, it may hold him to bail for his appearance before the court upon some subsequent

Quarterly terms of said court.

1868. day, which day shall not be beyond the first day of the next succeeding quarterly term.

May cause
grand jury to
be summoned.

§ 16. Said court shall have power and authority to cause a grand jury to be summoned, as directed in title seventh (VII) of the Criminal Code, and shall empanel and swear the same whenever business may require it or render it proper, and provide for paying the same. It shall also have power to summon petit juries whenever necessary, and provide for paying same. The court may continue a cause to any future day; and whenever any grand jury may return into said court an indictment or presentment, the court shall have power and authority to set any such cause for trial on that or some subsequent day, and issue the necessary process, returnable to such day as the cause may be set for trial.

May continue
cause.

May issue
capias pro fine,
&c.

§ 17. Said court may issue a *capias pro fine* on all its judgments in cases for breaches of the ordinances of said town; and in such cases the court may enter a judgment specifying that the person convicted shall be confined at labor in the work-house, or forced to work under the regulations of the board of trustees, until the fines assessed against him and the costs of the prosecution are discharged, at the rate of one dollar per day: *Provided, however*, That the person so arrested and confined shall, by paying the full amount of said fine and cost, be discharged from custody.

Judge to be
commissioned,
conservator of
the peace, &c.

§ 18. Said police judge shall be commissioned by the Governor, and be a conservator of the peace; and he may order arrests for all offenses against the laws of the State or ordinances of the town of Versailles; and for those committed in his presence may order arrests without warrant—the person offending to be dealt with according to the laws of the State or ordinances of the town. He may administer oaths, take depositions in all cases, issue and try writs of *habeas corpus*, and grant injunctions, in same manner, under same restrictions, and in the same cases, that county judges are now authorized to grant them; and he shall have the same civil jurisdiction in all cases as is conferred on justices of the peace.

Administer
oaths, &c.

In relation to
clerk of police
court.

§ 19. Said judge shall be his own clerk; but it shall be lawful for him to appoint a deputy as clerk, who may perform all his duties as clerk of said court. Said clerk shall be called the deputy clerk of the police court of Versailles, and shall possess the same qualifications, and take the same oaths, before he enters upon the duties of his office, as is required by law of a deputy clerk of a court.

Who to preside
in case judge is
absent.

§ 20. Whenever, from any cause, the judge of the said court fails to attend the court, or if in attendance, cannot properly preside in a cause or causes pending in said court, the presiding judge of the Woodford county court,

or any justice of the peace for Woodford county, may preside in his place; and the person so presiding shall, during the period that he acts, have all the powers, and be liable to all the responsibilities, of the police judge, and shall receive all fees accruing during said period; and any of said officers may, at any time, issue a summons, warrant of arrest, or subpœna, and make the same returnable before said court, which summons, warrant, and subpœna shall be executed and returned in the same way, have the same force and effect, and the person upon whom they are executed be dealt with the same, as if they had been issued by the court while regularly sitting. If no court is held on the day any summons or warrant is made returnable, and the same is not during a regular term, the case shall be considered as, and be by operation of law, continued till the next regular term.

1868.

§ 21. Appeals from judgments of said police court shall lie in all civil cases, unless otherwise provided for, to the Woodford quarterly court, to which shall also lie all appeals from its judgments in cases for breaches of the ordinances of said town, where the penalty or forfeiture set forth in the ordinance exceeds ten dollars, and does not exceed fifty dollars, and in all pleas of the Commonwealth, except in cases of vagrancy and larceny, where the full penalty imposed by law for the offense does not exceed fifty dollars, and imprisonment for fifteen days; and said appeals and proceedings thereon, except as herein provided, shall be governed by the general laws regulating appeals from justices' courts to quarterly courts. In all other cases (except for breach of ordinance where the fine is less than ten dollars), an appeal from judgments of the police court shall lie to the Woodford circuit court, and said appeals and proceedings thereon shall be governed by the general laws, except as herein provided, regulating appeals from inferior courts to the circuit court. If the judgment appealed from to either of said courts be in a case of vagrancy or larceny, or in a case where the judgment may specify that the defendant may or shall be imprisoned, there shall be executed, in addition to the bond now required by law, before the clerk of the court appealed to, a penal bond in a sum fixed by the clerk, and with sureties approved by him, conditioned that the defendant will at all times render himself amenable to the orders and process of the court appealed to in the prosecution of the charge, and if convicted, will render himself in execution thereof. Upon the execution of such bonds, the defendant, if in custody, shall be discharged therefrom.

Appeals granted.

§ 22. The fines and forfeitures recovered in the said police court, in the name of or in favor of the Common-

Fines for benefit of town.

1868.

wealth of Kentucky, in cases arising in said town or in the name of the town of Versailles, are hereby granted to the town of Versailles.

May employ
counsel for ben-
efit of town.

§ 23. Said board of trustees may employ and provide counsel for the prosecution of all cases sued out in the name of said town; and it shall be the duty of the county attorney for Woodford county to prosecute all pleas of the Commonwealth in said court, and he shall receive the same fees in such cases, and the same per centage of the fines, penalties, and forfeitures imposed in the same, as is given by law to county attorneys or to attorneys for the Commonwealth for similar services.

To be a court
of record, &c.

§ 24. Said court shall be a court of record, and all copies of papers or records on file with the judge shall, when duly attested by him or the deputy, be received as evidence in all cases where the originals would be evidence; but nothing herein shall prevent any court from having the original records produced and brought to court by the proper process.

Fees of judge.

§ 25. The fees of said judge, whether acting as judge, clerk, or otherwise, shall be the same in all cases as are now, or may hereafter be, given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdictions.

MARSHAL.

Town marshal
to be elected.

§ 26. A marshal shall be elected by the qualified voters of said town, at the same time and for the same term as the sheriff of Woodford county is elected, which marshal shall be called the marshal of the town of Versailles, and he shall enter on the discharge of his duties on the first Monday in January next succeeding his election. He shall, however, before so doing, execute a bond before said board of trustees, with one or more sureties, which shall be approved by said board, in substance as follows: We, ———, marshal of the town of Versailles, and ———, his sureties, jointly and severally bind and oblige ourselves to the Commonwealth of Kentucky, that the said ———, as marshal of the town of Versailles, shall well and truly execute and due return make of all process and precepts to him directed and to him delivered, and all notices and orders of justices or other tribunals given him to execute, and will pay and satisfy all sums of money by him received upon any such process or precept, or any note, account, fee bill, taxes of the town of Versailles, fines, or other claims placed in his hands for collection, to the person entitled thereto, and in all other things shall faithfully and truly discharge all the duties of said office

To execute
bond.

during his continuance therein. He shall, also, previous to entering upon his said duties, besides the oaths prescribed by the Constitution, take an oath before the said board, in substance: That he will do right as well to poor as rich in all things belonging to his office; that he will do no wrong to any man for any gift or reward, nor for favor or hatred, and in all cases that he will truly and faithfully execute the duties of his office according to the best of his knowledge and power. It shall be noted on the records of the town that such bond and oath had been taken, and they shall be filed with the papers of the town.

1868.

To take oath, and conditions of same.

§ 27. Any persons injured by a breach of the said bond may, in any court having jurisdiction, prosecute suit or motion thereon in their own name and at their own cost, against the marshal and his sureties, in the manner now prescribed by law for proceeding against sheriffs or constables in cases of delinquency or breach of official duty.

Proceedings for breach of bond.

§ 28. The board of trustees may at any time notify said marshal to give additional security on his bond, which notice shall be served as notices are directed to be served under civil code; and they may, upon his failure so to do within five days after such notice, declare his office vacant. If the marshal shall fail to execute bond or take said oath within twenty days after the time he should, by this act, enter upon the discharge of his duties, the board of trustees may declare the office vacant.

May require additional security.

When office may be declared vacant.

§ 29. Said marshal shall be a peace officer, and shall possess all the power to arrest persons charged with offenses, and to execute, within Woodford county, in criminal cases, all writs, process, warrants, and orders, and to take bail, which is now or may hereafter be given to sheriffs or other peace officers; and he shall be entitled for his services to the same fees to which such officers are respectively entitled. He shall attend all meetings of the board of trustees and all sittings of the said police court, and preserve order and act as crier at the same. He shall have power to execute and levy all process, judgments, or executions, civil or criminal, which issue out of said court, and shall have the same powers to collect claims, fee bills, etc., and to act in all other civil cases, and execute all process and executions in said county, which are now or may hereafter be given by law to constables; and he and his sureties shall be responsible for the proper execution of all process and the collection of all claims put into his hands, and for his official acts, in the same way and to the same extent that sheriffs and constables are now responsible. It shall be his duty to execute all ordinances of the said board passed in pursuance of the powers herein granted them, wherein acts or duties are

Declared a peace officer, & his powers.

To attend meetings of trustees.

To execute process, ordinances &c.

1868.

specifically prescribed for him to perform; and he shall report to the police judge all infractions of the ordinances of said town and all misdemeanors or felonies committed within said town of which he may receive information.

May be appointed collector. &c.

§ 30. The marshal may be appointed collector of said town; and if no collector is appointed on or before the first day of May in each year, the marshal shall, during that year, by virtue of his office, have the power and shall collect all the taxes due said town, and he and his sureties shall be responsible on his bond for the proper collection and disposition of all such taxes; and he may proceed in the same way for their collection as the collector is by this act empowered to proceed.

His fees.

§ 31. The marshal shall be entitled to the same fees as the sheriff and constables are respectively whenever he performs services similar to those of sheriffs and constables.

CLERK OF THE BOARD AND TREASURER.

Clerk of board to be appointed—his duties, &c.

§ 32. It shall be the duty of said board of trustees to appoint annually a competent person to fill the office of clerk of the board of trustees, which office was created by the said act approved February 20th, 1840, and of which this act is amendatory. Said clerk shall, before entering upon the discharge of his duties, take an oath to faithfully discharge all his duties under this act; and he shall hold his office, unless removed, until the first Saturday in January next following his appointment, and until his successor be duly qualified. It shall be the duty of the clerk to attend all meetings of the board of trustees, and to make a full and complete record of their transactions and proceedings in a book furnished him by them. He shall keep all the papers and documents of said town, and perform what other duties may be prescribed for him by said board of trustees, not inconsistent with this act. If said clerk fails to qualify within ten days after his appointment, his office shall be declared vacant.

Treasurer to be appointed.

§ 33. It shall be the duty of said board of trustees to appoint annually a competent person to fill the office of treasurer of said town, which office was created by the said act approved February 20th, 1840, and of which this act is amendatory, which treasurer shall hold his office until the first Saturday in January next succeeding his election, and until his successor be duly qualified. He shall, before entering upon the discharge of his duties, take an oath to faithfully discharge all the duties of his office, and shall execute a bond to said town before said board, with one or more approved sureties, covenanting that he will account for and pay over to the person entitled to receive the same, according to law, any and all moneys that may come to his hands as treasurer of said

To take oath, give bond, &c.

town. That he will, at any and all times, whenever called upon by the board of trustees, settle his accounts as treasurer as aforesaid, and pay over any money due the town from him to any person that said board may designate, and will faithfully discharge all the duties of said office.

1868.

§ 34. It shall be the duty of the treasurer to receive and safely keep all money belonging to the town, and to pay [out] the same under appropriations made by the board of trustees; but he shall only pay out money upon warrants drawn by the clerk of the board and indorsed by the chairman. He shall keep a fair and accurate account of all his receipts and disbursements, showing when, from whom, and to whom, and for what purpose, and on what account, such moneys were received or paid, and shall exhibit the same, and furnish a copy thereof, whenever called upon by said board. He shall perform such other duties as may be required of him by ordinances, not inconsistent with this act, and shall receive such compensation for his services as the said board may provide. The said board may require the treasurer to pay any rate of interest, not exceeding eight per centum per annum, on the amount of such money received by him, from the time of its reception, credited by his lawful disbursements from the time they are paid out, but no interest shall be required of the treasurer unless the same was imposed by ordinance before his qualification.

Duties of treasurer.

§ 35. Any person aggrieved may institute suit or motion on the bond given by the treasurer as aforesaid, in the said police court or the Woodford circuit court, against the treasurer and his sureties, and the bond shall not be void or satisfied until every person aggrieved has been recompensed.

Aggrieved persons may bring suit against the treasurer.

§ 36. If the treasurer fails to execute his said bond for twenty days after his appointment, the office shall, by order of the board of trustees, be declared vacated, and the vacancy to be filled by the board of trustees.

When office may be declared vacant.

§ 37. The board of trustees may at any time require and notify the treasurer to execute a new bond or give additional security, and upon failure, within five days after such notice, to execute new bond or give additional security, the office may, by order of the board of trustees, be declared vacated, and filled by the board of trustees.

Trustees may require new bond.

TAXES, &C., &C.

§ 38. That the board of trustees shall have power to assess, levy, and collect *ad valorem* taxes on such real and personal estate within the limits of said town as the board may designate; but such taxation shall be uniform on every description of property, and shall not exceed one dollar on each one hundred dollars' worth of property.

May levy and collect taxes, &c.

1868.

They shall have the power to levy and collect, annually, a head or personal tax, not exceeding two dollars, on every male person over twenty-one years of age who shall have resided in said town for three months. They shall also have the power to levy and collect a tax of not more than fifty cents on each share of stock in all banks or other moneyed corporations doing business in said town; and may also levy and collect a tax of not more than one dollar on every hundred dollars invested in brokers' establishments and private banks in said town.

May appoint
assessor; to give
bond.

§ 39. Said board may have power to appoint, annually, a competent person to fill the office of assessor, which was created by the act approved February 20th, 1840, and mentioned in the first section of this act, which assessor shall be qualified, within ten (10) days after his appointment, to faithfully discharge his duties, and shall execute a bond before said board, with one or more approved sureties, covenanting with said town that he will faithfully discharge all the duties of his office; and upon his failure so to do, the board may remove him.

His duties.

§ 40. It shall be the duty of the assessor to take in a list of all the taxable property within said town, whether in goods, stocks, manufactories, or other property that may be designated for taxation by the board, together with the cash value of such property, and the name of the owner or owners thereof; and he shall make such division of the different species of property in separate columns in his book as the board may direct. The assessor shall list also all male persons over twenty-one years old who are subject to said personal or head tax, and shall also list and report, separately, a list of all the houses, stores, taverns, persons, and things upon which a specific tax is levied by the ordinances of said town, together with the names of the owners or agents of such houses, stores, taverns, and things. He shall file with the clerk of the board his books containing the above mentioned lists on or before the first day of April in each year.

May administer
oaths to persons
giving in lists.

§ 41. He shall call on persons from whom taxes are collectable for a list of their taxable property, and shall administer to such persons the following oath or affirmation: "You do swear that this list of taxable estate given in by you contains a full and complete list, and the best description of the same you can give, of all and every species of property belonging to you, or in your possession, subject to taxation on the tenth day of January last, under the ordinances of the town of Versailles, and that no removal of property or omission has been made, or any method or device adopted or practiced, whereby to evade the payment of such taxes by you; and that you will true and

perfect answer make to such questions as may be asked you concerning your taxable estate." And if any person shall refuse to take such oath, or to give a list of his or her taxable property, the assessor may assess the same from the best of his information.

1868.

Proceedings in case person refuses to take oath.

§ 42. If any person shall fail and refuse to give a list of his taxable property, when legally called on so to do by the assessor, or give in a false or fraudulent list, he shall be adjudged a delinquent, and fined in any sum not exceeding one hundred dollars; and the assessor, at the time he files his book with the clerk, as before directed, shall return a list of all delinquents described in this section, and shall, as to fraudulent delinquents, state in what the falsehood or fraud consists. Whereupon a summons shall be issued from the police court, summoning the delinquent to appear before said court on some day therein named to answer for his delinquency, and said court shall proceed in the trial of said case, and may enter same judgments and issue same writs and process, and enforce them, the same as in cases for breach of town ordinances.

Penalty for refusing to give list.

§ 43. The board of trustees shall annually appoint three discreet men, who are citizens and housekeepers of said town, as a board of supervisors of tax, who, or any two of them, shall meet as soon as convenient after the assessor's books shall have been filed with the clerk, and examine with care the said books and correct any errors of the assessor, whether in fact or in relation to the valuation of the estate listed; and, in cases where they shall be of opinion that the estate has been incorrectly valued, to fix the same at its proper value. They shall also have power to add any lists omitted by the assessor; and said board may adjourn from time to time until their business is completed, and they shall keep a full record of all their proceedings: *Provided, however,* That said board of supervisors shall, at least five days before the time of meeting, have posted, in three or more public places in said town, printed or written notices, stating the time and place of said meeting: *And provided further,* That all persons listed by the assessor may have the right to appear before them, by attorney and in person, and introduce evidence concerning their property.

To appoint board of supervisors; their powers and duties.

§ 44. All estates taxed according to value shall be valued as of the 10th day of January preceding, and the person owning or possessing the same on that day shall list it with the assessor and remain bound for the tax, notwithstanding he may have sold or parted with the same.

Property assessed to be valued to 10th January preceding.

§ 45. The taxes levied by this act shall be due and payable in the same year in which the estate is assessed, and

When taxes due and collectable.

1868.

Tax-payers to receive credit for amount of collector's commission upon paying to treasurer.

the town of Versailles shall have a lien for such taxes on the estate of each person assessed for taxation, which shall not be defeated by sale or alienation.

§ 46. The board of trustees shall have power to provide by ordinance that tax-payers shall receive credit for the amount of the usual collector's commissions for collecting taxes upon the payment of their taxes to the treasurer by a day to be fixed by ordinance. They may also provide by ordinance that ten per cent. shall be added on all taxes not paid before the 10th day of November in each year, which per centage shall be accounted for by the collector.

May levy specific tax upon merchants, &c.

May license coffee-houses, &c.

May license hacks, &c.

May license livery stables, insurance companies, &c.

May license or prohibit billiard tables, tippling-houses &c.

Tax shows, &c.

Specific tax not to prevent collection of ad valorem taxes.

Board to provide mode and manner of paying specific tax.

§ 47. Said board of trustees shall have the power to levy a specific tax of not exceeding one hundred dollars per year upon all merchants, grocers, peddlers, banks, brokers, pawnbrowsers, private bankers, money-changers, confectioners, victualers, tavern-keepers, and auctioneers, doing business in said town. It shall also have the power to license and tax all coffee-house-keepers, keepers of eating-houses, retailers of spirituous liquors, and sellers or dealers in the same in any quantities, in any sum not exceeding one hundred and fifty dollars per year, and shall have full power to regulate the same. It shall have the power to license and tax, in any sum not exceeding ten dollars per year, and regulate all hacks, carriages, coaches, carts, drays, wagons, or other vehicles plying and hauling for hire in said town. It shall also have the power to tax all livery stables, insurance companies and insurance agencies, express companies, and agencies for the same doing business in said town, in any sum not exceeding fifty dollars per year. It shall have power to license and tax, in any sum not exceeding one hundred and fifty dollars per year, and regulate or suppress and prohibit all billiard tables, tippling-houses, howling saloons, and ten-pin alleys within the limits of said town; and to license and tax within said limits all theatrical and other exhibitions, shows, and amusements, circuses, menageries, lectures, and musical entertainments; but such tax shall not exceed twenty dollars for each exhibition.

§ 48. The imposition and collection of any specific taxes, or the granting of licenses by the said board, shall not prevent the levying and collection of the *ad valorem* taxes provided for by this act on the stock, goods, wares, or merchandise in any store or house, or on the value of any thing or implement upon which such specific tax is levied, or to keep which a license is granted.

§ 49. The said board may provide by ordinance when, to whom, and the manner in which such specific taxes shall be paid, and the manner, time, and conditions under which all licenses shall be granted, and to enforce the pay-

ment of such taxes and licenses, and punish by fine all breaches of the ordinances passed concerning the same.

1868.

§ 50. The said board of trustees may, if they deem it best, select and appoint some competent person for collector, who shall be called the collector of the town of Versailles, and shall hold his office until the first Saturday in January next succeeding his appointment. It shall be his duty to collect all the taxes assessed under the provisions of this charter, and all the sums of money which may be due the town of Versailles from all persons whatever; but before entering upon the discharge of the duties of his office, he shall, before the said board of trustees, give bond, with approved sureties, which bond may be as follows: We, _____, collector of the town of Versailles, and _____, his sureties, covenant and agree with the Commonwealth of Kentucky, that the said _____, collector of the town of Versailles for the year _____, shall, during the present year, collect, account for, and pay to the treasurer of the said town, at such times and in such manner as prescribed by law, all taxes, fines, or other claims due and owing the town of Versailles that may be put into his hands for collection during the year; and that the said _____ shall in all things well and truly demean himself and faithfully discharge all the duties of said office of collector. Witness our hands, this _____ day of _____, 18—.

May appoint collector.

His duty.

To give bond.

§ 51. Said collector shall also take and subscribe to an oath, that he will faithfully discharge all the duties of his office, which oath and bond shall be filed with the papers of the town. Said board may notify the collector to give a new bond or additional sureties at any time; and upon his failure so to do within five days, or upon his failure to qualify and give bond within ten days after his appointment, the said board may vacate his office.

Shall take oath.

New bond may be required.

§ 52. The town collector shall account for and pay into the town treasury all taxes and other public moneys for which he is bound, at such times, and under such regulations, as may be prescribed by ordinance of the board of trustees.

To pay money collected into town treasury.

§ 53. The town collector shall, from and after the day he receives the tax-book in each year, proceed to collect the taxes due the town; and upon failure by the persons bound therefor to pay the same, may distrain the personal property owned by the persons from whom the tax is due, notwithstanding the existence of any lien upon the same; and may proceed to sell the title of such persons in so much thereof as will pay the tax due and all costs and expenses of sale. The sale must be for cash, and be made at the door of the court-house on some county or

When to collect tax, and his powers in collecting the same.

1868.

circuit court day. The time, place, and terms of sale shall be first advertised, as sheriffs are required to advertise in similar cases. If the town collector make illegal or unreasonable seizure and distress for taxes, he shall be liable in damages to the party aggrieved.

May sell land,
&c., for taxes.

§ 54. If there be no personal estate which the town collector can distrain for tax due on real estate, or if the personal estate found be insufficient to pay the whole of such tax, and the owner of the land or lot shall fail to pay the same by the 10th day of November of the year in which such tax is due, the town collector shall, on the first day of some county or circuit court, at the door of the court-house of Woodford county, and thence from day to day until completed, proceed to sell the land and town lots, or so much thereof as may be necessary to pay the tax thereon, together with the ten per cent. penalty above specified, and the costs and expenses of sale, to the highest bidder, for cash. The time, place, and terms of sale, together with a statement of the names of the owners or occupants, number or description of the lot, and the amount of tax and penalty due thereon, shall be published by two insertions in some weekly newspaper published in Woodford or some of the adjoining counties, and by notices posted at three or more public places in the town of Versailles, at least ten days before the sale.

To report sales
to trustees.

§ 55. The town collector shall, so soon as practicable after making sale of any real property for taxes, make a full report of his proceedings to the board of trustees, including in said report a list of the property sold, and of the names of the owners or occupants of the property, names of the purchasers, amounts for which the property sold, and a description of the property; and he shall also hand in with the report a copy of the newspaper containing the advertisement of the sale, with the certificate of the printer or publisher, showing the time when the advertisement was printed, which certificate shall be sworn to by said printer or publisher before some justice of the peace; and the said town collector shall also make oath, before some justice of the peace for Woodford county, that he has complied with all the requirements of this charter and the ordinances of the town in relation to the sale of property for taxes, which affidavits shall form part of the town collector's report.

Town may
have property
sold in.

§ 56. The board of trustees may designate an officer of the town to attend all sales of property sold for taxes due said town, who shall, if no other person will bid an amount sufficient to pay the taxes and all fees, costs, and penalties accrued, bid in the property or any part thereof for the town.

§ 57. All lands and town lots, sold by the town collector for taxes, may be redeemed by the owner or his representatives, at any time within two years from the day of sale, by paying to the purchaser or his representatives the amount of the purchase-money and interest thereon at the rate of ten per cent. per annum from the day of sale until redeemed. The person thus redeeming shall take the receipt of the purchaser for the redemption money, and lodge the same with the clerk of the town, to be filed with the collector's report of the sale. If the purchaser, or his agents or representatives, do not reside in the county of Woodford, or cannot be found therein, the owner of the property, or his representatives, may make affidavit of the fact and pay the amount of purchase-money, with the interest aforesaid, to the treasurer of the town, and take his receipt therefor, which affidavit and receipt shall be lodged with the town clerk, to be filed with the collector's report of the sale: *Provided*, Infants shall have one year after they arrive at the age of twenty-one years to redeem their lands, upon the same terms and in the same manner herein provided for adults.

1868.

May be redeemed; how and when.

§ 58. The board of trustees may appoint some person commissioner to convey the title to any real estate sold for taxes under this act to the purchaser or his assignees, or his heirs or devisees, if the same is not redeemed as herein provided; and such deed, which shall be acknowledged by said commissioner before the Woodford county clerk, shall pass to the grantee in the deed a perfect title.

May appoint commissioner to convey property sold.

§ 59. If any person bound for tax shall be insolvent, or shall have removed out of the county of Woodford with his estate, after he was assessed for tax and before a sufficient time to collect it had elapsed, the collector shall, at the regular meeting of the board of trustees in the month of December, return a list of such persons and the amount of tax assessed against them, and whether they have removed or [are] insolvent, and make oath to the same; which list the board of trustees shall examine and may strike therefrom those whose tax could have been collected by the town collector by reasonable diligence, and for the balance of tax on such list the said collector shall be entitled to credit in his settlement with the town.

List of insolvent tax-payers to be returned.

§ 60. If, from any reason, there be no collector of the town of Versailles, the said marshal shall exercise, by virtue of his office, all the duties, have all the powers, be subject to the same obligations and penalties, and be, together with the sureties on his bond, liable in the same way and to the same extent as the said collector.

If no collector, marshal to act.

§ 61. Any person aggrieved may institute suit in the Woodford circuit court, on the bond of the collector, against him and his sureties, and the same shall not be considered void until all persons aggrieved are satisfied;

Suit may be instituted on bond of collector by person aggrieved.

1868.

and if he shall fail at any time to settle his accounts, when called upon by said board so to do, or shall fail to pay, according to the directions of said board, the amount of money belonging to said town in his hands to the treasurer or other person appointed by the board to receive the same, he and his sureties shall be liable for the amount in his hands, with interest at the rate of six per centum per annum, and ten per centum of said amount added thereon as damages, all of which may be recovered by motion in the Woodford county court, or by suit or motion in the Woodford circuit court.

Not to prevent collection of State or county taxes.

§ 62. Nothing contained herein shall be taken to interfere with or prevent the collection of any State or county taxes within the limits of said town.

STREETS, ALLEYS, &C.

May receive and accept streets, alleys, &c.

§ 63. The board of trustees shall have power by ordinance to receive and accept any street or alley, or extension of any street or alley, laid out by any person or persons within the town limits, and make and declare the same an established street or alley of the town of Versailles.

Locality of streets not to be changed.

May open new streets, &c.; proceedings therefor.

§ 64. The locality of all public streets and alleys in said town shall not be changed from their present actual position as opened, neither in width nor length, unless by consent of the claimant of the ground affected by such alteration or change: *Provided, however,* The board of trustees may, by ordinance passed by two thirds of the members elected, and yeas and nays thereon being recorded in the journal of proceedings, whenever the public necessity shall require it, cause any new street or alley to be opened, or an old street or alley extended or widened, or establish any market place, and to procure the condemnation of any real estate for such purposes as follows: *Provided,* That in no case shall private property be taken for any such purpose without the written consent of the claimant, or a just and full compensation therefor be first paid in money to said claimant. If the amount of such compensation cannot be fixed by agreement, the board of trustees shall cause a petition to be filed in the Woodford county court, stating the street or alley they wish opened, widened, or extended, and the names of the owners, if known, of the lots and lands through which they desire to have said street or alley opened, widened, or extended, and the width thereof; and thereupon said court shall order a summons to issue for such owner or owners to appear on some day of that or some subsequent term of said court to show cause why such street or alley should not be opened, widened, or extended, which summons shall be executed on such owner or owners, if in the county of Woodford, if not, on his

1868.

or their agents if one is known; and on the return of the summons executed, or the return of no inhabitant or known agent, and no one appearing, the said court may order the street or alley to be opened, widened, or extended, the town being liable, however, to pay the owner the value of the ground so taken; and if any one or more of such owners of lots or lands appear and demand it, the court shall award a writ of *ad quod damnum*, to be directed to the proper county officer, to be executed and returned as provided by law for writs of that nature for opening public roads; and the jury summoned under said writ shall, in addition to the verdict required by law, state whether or not, in their opinion, the public necessity requires the street or alley to be opened, widened, or extended, as prayed for in the petition; and on the return of the writ duly executed, the court shall, if the jury report favorably to the prayer of the petition, order the board to pay the damages assessed to the party or parties entitled thereto, and shall order the street or alley to be opened, widened, or extended, upon the payment of said damages.

§ 65. The board shall have power, at any time before the final decree or order, to dismiss their petition, which shall not prevent their again instituting proceedings for opening, widening, or extending such street or alley at any time after one year from said dismissal.

Petition may
be dismissed.

§ 66. Appeal may be taken to the circuit court and Court of Appeals, as is now provided in cases of opening public roads.

Appeals may
be taken.

§ 67. The board shall have full power to keep open all streets, alleys, and other public places, and free them from all obstructions by the infliction of such suitable fines and penalties as may be prescribed by ordinance. The board shall have power by ordinance to cause and procure any or all the streets and alleys in said town now established, or any part or portion thereof, to be graded, paved, macadamized, curbed, and guttered, in such manner as they may direct, at the cost and expense of the lot-owners fronting on each side of said street or alley where such work is done; the cost and expense, when the work is completed, shall be apportioned between the owners of lots in each square fronting each street where the work is done, in proportion to the number of front feet owned by each person; and a lien is hereby given to the said town on all lots and parts of lots fronting on such work to secure the payment of the cost of the work: *Provided*, That in no case shall the total assessment or cost of improvement against any person or ground exceed in amount the one fourth actual cash value of the ground owned by such person and subject to said assessment. The balance

May keep
streets and al-
leys free of ob-
structions.

May have
streets and al-
leys paved, &c.

1868.

of the cost of the work shall be paid out of the town treasury.

May have
streets graded.

§ 68. The board shall have full power, by ordinance, to cause and procure any or all of the sidewalks of said town now established, or hereafter to be established, to be graded and paved, or improved in such manner as they may direct, at the cost and expense of the lot-owners fronting such street or alley where such work is done. The cost and expense, when the work is completed, shall be apportioned between the owners of the lots fronting on the street or alley where the work is done, in proportion to the number of front feet owned by each person; and a lien is hereby given to said town on all lots and parts of lots fronting such work, to secure the payment of the cost of the work.

Expenses of
grading, paving
&c., how col-
lected.

§ 69. The costs and expenses of the work, either for grading, paving, macadamizing, curbing, or guttering, and for grading or paving sidewalks, mentioned in the two preceding sections, together with the cost for collecting the same, may be collected as other taxes by the town collector, who shall have power to sell the lots or parts of lots for the same, under such rules and regulations as may be prescribed by ordinance: *Provided*, That the owners of lots or parts of lots sold for such work, who have not consented in writing for said work to be done, shall have two years from the day of sale to redeem the property sold, on paying the purchase money with ten per centum per annum interest thereon, with all the taxes and levies that may have subsequently accrued and ten per centum per annum thereon. And those who have consented in writing may redeem their property at any time within one year from day of sale, by paying the purchase money and interest at ten (10) per cent., and subsequent taxes and levies and ten per centum thereon: *And provided also*, That infants shall have the privilege of redemption on like terms at any time within one year after the disability is removed.

Intersections
of streets.

§ 70. All intersections of streets shall be paved, guttered, and stepping-stones placed or cross-walks made, at the expense of the town; and the board may, if they deem it expedient, have all or any street, alley, or sidewalk, or any part thereof, repaired, paved, graded, guttered, or macadamized, at the cost of the town.

Where streets
to be kept in
order at ex-
pense of town.

§ 71. Where the guttering, grading, and macadamizing of the streets and alleys mentioned above shall have been done at the expense of the owners of the lots fronting on such streets or alleys, under and according to the direction of the board, such streets or alleys shall be kept macadamized and graded at the expense of the town.

§ 72. Where any person has had the street in front of his lot graded, guttered, and paved to the center, and the sidewalk curbed and paved in accordance with the general plan of the work of the town, he shall be free from any assessment for the work done on the balance of the square on which he has had the work thus done; and any person hereafter desiring to do such work shall notify the board of the fact, and shall have the grades given by the board, and do the work according to its direction, or he shall not be exempted as aforesaid.

1868.

When person exempt from assessment for work done on balance of square.

§ 73. The board shall have the power for any of the work done on the streets, as directed in the foregoing sections, to advance the money, and may, for that purpose, borrow the same and advance it to the contractors: *Provided, however,* That the lien shall always continue upon said lot until the entire cost of the work, and all expenses aforesaid, are fully paid off and discharged.

Board may advance money for work done on streets.

§ 74. No person or persons shall lay out or extend any street or alley, within the limits of the town, without the consent of a majority of the board; and when any person or persons have, with such consent, laid out, or shall hereafter lay out or extend, any street or alley within the limits of the town, and shall have sold or intend to sell lots binding thereon, the board shall declare the same to be established as a public street or alley, and exercise all the power, jurisdiction, and authority over the same that they have by this charter over other established streets and alleys, and may cause them to be improved as herein provided; but no street shall be laid out or accepted within the town limits which is less than sixty-six feet wide, including the sidewalks or pavements.

Streets not to be extended without consent of board.

ELECTIONS.

§ 75. The elections for the said chairman and trustees, and for all other officers of said town who are elected, and for the elections of whom no provision is made by law, shall be held on the first Saturday in each January.

Elections—when held.

§ 76. The board of trustees shall, before such election, appoint as officers thereof two persons, one as judge and the other as clerk, and the marshal of the town shall act as sheriff. If from any reason the above appointees do not act, it shall be the duty of the marshal to appoint other persons in their stead; and if the marshal refuses or fails to act, the police judge may fill the vacancies by the appointment of competent persons. Officers of town elections shall perform similar services, be entitled to like pay, liable to the same penalties, and governed in all matters not inconsistent with this charter, and in the same way as officers of State elections, which shall be paid by the town.

Who to conduct same.

1868.

Who may vote.

§ 77. Every free white male citizen of the age of twenty-one years, who has resided in the State two years, or in said town one year next preceding the election, and who has paid his head or poll-tax for the preceding year, shall be entitled to vote at said election; but such voter shall, at the time of the election, be a resident of said town, and have resided therein for sixty days next preceding the same.

Poll book to be deposited with county court clerk. Who to examine poll-book, and give certificates of election.

§ 78. The person acting as sheriff of the said election shall, within one day after the same, deposit the poll-book with the clerk of the Woodford county court, who shall file said book in his office. Said county court clerk, the police judge of Versailles, and the person acting as sheriff of the election, shall constitute a board for examining the poll-book and giving certificates of election, any two of them may constitute a board, which shall meet within two days after the poll-book is filed as aforesaid, and shall compare the poll, ascertain the correctness of the summing up of the votes, and give duplicate or more written certificates of election over their signatures of those who have respectively received the highest number of votes for the offices for which an election was held; one of which certificates shall be given to the person elected, and the other to the clerk of the board of trustees, who shall file the same with the papers of the town.

How tie determined.

Election may be contested.

§ 79. Whenever any two or more persons shall receive the highest, and an equal number of votes, for the same office, such election shall be determined by lot, in such manner as the board of examination may direct. The elections provided for in this act may be contested before the same board and the same proceedings had as when elections for county offices are contested, under chapter thirty-two of the Revised Statutes of Kentucky.

Vacancies, and how filled.

§ 80. Whenever any vacancies shall occur in the said offices of police judge or marshal, the board of trustees shall appoint some competent person to fill the vacancy, who shall hold his office until the next succeeding August election and until his successor be duly qualified; and the said board of trustees shall issue a writ of election to fill the remaining vacancy, which writ shall be delivered to the sheriff of Woodford county, and on which he shall act as on writs issued for the election of county officers, under provisions of article six of chapter thirty-two of said Revised Statutes. All vacancies in the offices of said town, not otherwise provided for, shall be temporarily filled by the board of trustees by appointment until the next succeeding election in January, and until their successors be duly qualified; and the persons appointed under this section shall exercise all the powers, perform

the same duties, and be under the same responsibilities and restrictions, as if they had been regularly elected.

1868.

§ 81. All resignations of the offices of said town shall be tendered to the board of trustees in writing, and shall be noted on the records of the town.

To whom resignations made

GENERAL PROVISIONS.

§ 82. The present police judge of the town of Versailles shall remain in office and exercise all the powers conferred herein on the police judge of Versailles until the August election of 1868, and until his successor be duly qualified, at which election there shall be an election held to fill said office till the August election of 1870.

When present police judge to go out of office.

§ 83. The present town marshal of said town shall remain in office and exercise all the duties and have all the powers conferred by this act on the marshal of the town of Versailles, until the August election of 1868, and until his successor be duly elected or appointed and qualified. All the other officers of said town now in office shall hold the same and exercise all the powers given them by this act until their successors be duly elected or appointed and qualified.

When present marshal to go out of office.

§ 84. No bond for costs or other bond shall be required of the town of Versailles in any suit, prosecution, or legal proceedings, unless the same could be lawfully required, under similar circumstances, of a resident citizen of this State.

No bond for costs required of town, &c.

§ 85. All ordinances of the town of Versailles now in force, not in conflict with this charter, shall continue in force until repealed by the board; and all laws vesting rights in, or imposing duties upon, the town of Versailles, not herein superseded or repealed, shall remain in force until specially repealed by the General Assembly of the Commonwealth of Kentucky.

Ordinances now in force not in conflict with this act, to continue in force.

§ 86. The recognized records of the trustees of the town of Versailles, and all bonds and contracts executed to the said town, shall remain in full force; and, remaining in the proper offices of said town, are hereby declared to be public records; and copies thereof, certified by the proper officer or keeper thereof, shall be evidence in all courts to the same extent that the originals would be, on due proof; and the keeper of such records may be entitled to fees for copies of same, to be prescribed by ordinance.

Bonds, &c., executed at present to continue in force.

§ 87. The said board of trustees shall have the power to prescribe penalties for the breach of all ordinances passed by them, in pursuance of the powers herein granted; and whenever the penalties have not been prescribed by this act, said penalties may be in any sum not exceeding one hundred dollars.

May prescribe penalties for breach of ordinances.

1868.
 Inhabitants of
 town not to
 work roads.

§ 88. The inhabitants of the town of Versailles shall not be required to work on any of the public roads on this side of the limits of the town.

§ 89. This act shall take effect from and after its passage; and all acts inconsistent herewith are hereby repealed.

Approved March 6, 1868.

CHAPTER 844.

AN ACT to amend the Charter of the Town of Nicholasville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the county of Jessamine as shall be contained within the following lines, to-wit: two lines running parallel with the main street of the town of Nicholasville, the one six hundred yards east, and the other six hundred yards west thereof, and two lines running parallel with the main cross street of said town, the one six hundred yards north, and the other six hundred yards south thereof; said lines being so produced and extended that the north and south lines shall intersect with the east and west lines, shall be, and the same is hereby, declared to be the town of Nicholasville.

§ 2. That hereafter the attorney, marshal, clerk, treasurer, and assessor for said town shall be elected, which election shall be held at the same time and place, and by the same officers, and conducted in all respects in the same manner, as is now provided for the election of chairman and trustees.

§ 3. That the chairman of the board of trustees is hereby required to qualify and act as police judge.

§ 4. That the chairman and board of trustees are hereby authorized to erect and maintain a work-house for the use of said town and county, upon an agreement to that effect made with the county court.

§ 5. That no person shall retail spirituous liquors in said town without having first obtained a license therefor from the chairman and board of trustees. They shall require the applicant to pay for such license not less than fifty, nor more than one hundred dollars. A person guilty of a violation of this section shall forfeit to said town fifty dollars for each act of selling.

§ 6. That the chairman shall be entitled to the same fees for his services as police judge that are allowed by law for similar services to justices of the peace.

§ 7. That the following fees shall be allowed to the respective officers: To marshal, three hundred and fifty dollars, to attorney, seventy-five dollars; to clerk, forty dollars; to assessor, twenty dollars, for their services per annum.

1868.

Approved March 6, 1868.

CHAPTER 845.

AN ACT to amend the Charter of the Town of Lafayette, in Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Lafayette, in Christian county, be so amended that the election for trustees, town marshal, and police judge of said town, shall be held on the first Monday in April, 1868, and on the first Monday in April of each two years thereafter.

§ 2. This act to be in force from its passage.

Approved March 6, 1868.

CHAPTER 846.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts to incorporate and relating to the Town of Flemingsburg."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of an act, entitled "An act to amend and reduce into one the several acts to incorporate and relating to the town of Flemingsburg," be, and the same is, so amended as to give to the county attorney thirty per cent. of all fines collected under this section for misdemeanors as therein defined.

§ 2. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 847.

AN ACT to extend the limits of the Town of Mt. Washington, in Bullitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the limits of the town of Mt. Washington, Bullitt county, Kentucky, be extended in every direction one quarter of a mile from the present corporation lines: *Provided*, That all lands used exclusively for farming pur-

1868. poses shall be exempted from any assessment of taxes by the authorities of said town.

§ 2. This act to take effect immediately after its passage.

Approved March 6, 1868.

CHAPTER 848.

AN ACT concerning Samuel Haycraft's enlargement to Elizabethtown.

WHEREAS. It is represented to the General Assembly of the Commonwealth of Kentucky, that on the seventeenth day of November, 1847, Samuel Haycraft produced in the Hardin county court a plan of an enlargement to Elizabethtown, which was recorded with the new survey of said town, which was also produced in court on the same day, since which time the Louisville and Nashville railroad has been built, and said road runs through the said Haycraft's enlargement in such a manner as to make it necessary to change the plan of said Haycraft's addition, so as to make the lots correspond with the course of the railroad; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Samuel Haycraft may, by and with the consent of the trustees of Elizabethtown, re-survey and remodel his plan, and make such additions thereto as he may deem fit; and also, that the said trustees may have power to change or abolish the streets and alleys in the above-named addition, and substitute such other streets and alleys as may be necessary to suit the present growing condition of said town.

§ 2. That nothing in this act shall operate to change the plan or numbering of any lot in said addition which may have been sold or conveyed by said Haycraft.

§ 3. This act to be in force from its passage.

Approved March 6, 1868.

CHAPTER 849.

AN ACT for the benefit of the County Judge of Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Union county court be, and he is hereby, exempted from the operation of an act (chapter thirteen hundred and ten, Acts 1866-7), entitled "An act to prohibit county judges to bring suits to settle the estates of deceased persons"

§ 2. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 850.

1868.

AN ACT for the benefit of Levi Kash, Judge of the Wolfe County and Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line of Wolfe and Morgan counties be so changed as to include Levi Kash, judge of the Wolfe county and quarterly courts, in Wolfe county.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 851.

AN ACT for the benefit of Geo. W. Darlington, of Greenup County.

WHEREAS, George W. Darlington, of the county of Greenup, did, under an order of the Greenup circuit court, transcribe into new books a complete index and cross-index of the judgments of the Greenup circuit court, for the years from 1844, including part of said year, to the — of July, 1855, from old index, which was in a worn and ruinous condition. The work embraces the judgments for fourteen years; and whereas, there is no law authorizing the payment of the same; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer of the State in favor of George W. Darlington, for the sum of three hundred dollars, to be paid out of any money unexpended in the Public Treasury.

§ 2. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 852.

AN ACT for the benefit of John Pitman, late Clerk of the Laurel County and Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Pitman, late clerk of the Laurel county and circuit courts, have the further time of two years to list, distrain for, and collect all his uncollected fee bills; *Provided*, That all laws now in force in relation to issuing and collecting illegal fee bills shall apply to him.

§ 2. This act to be in force from and after its passage.

Approved March 6, 1868.

1868.

CHAPTER 853.

AN ACT for the benefit of A. B. Patrick, late Clerk of the Breathitt Circuit and County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. B. Patrick, late clerk of Breathitt circuit and county courts, be allowed the further time of two years to list and collect his uncollected fee bills: *Provided*, That said Patrick shall be liable to all the penalties now prescribed by law for issuing and collecting illegal fee bills.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER 854.

AN ACT for the benefit of certain late Officers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from and after the first day of March, 1868, be given and allowed James Bartley, late sheriff of Monroe county; B. W. Dunn, late sheriff of Lincoln county; A. M. Elder, late sheriff of Clinton county; John Friend, late sheriff of Floyd county; Alfred Tinsley, late clerk of the Knox county court; H. P. Middleton, late sheriff of Lincoln county; L. A. Waggoner, late sheriff of Cumberland county; J. G. Hamilton, late clerk of the Boone county court; Clinton Griffith, administrator of the estate of Joseph G. Harrison, late sheriff of Daviess county; John Boyd and W. H. Young, administrators of the estate of J. T. Young, deceased, late sheriff of Lyon county; Geo. H. Milliken, late clerk of Simpson circuit court; and to P. A. Hager, late constable of Union county, to collect by distraint all fees due them respectively, and all taxes for which they have accounted and paid over, and which have not been collected by them.

§ 2. That said administrators and said constable may list with any collecting officer their fees and uncollected taxes aforesaid, and the same may be distrained for and collected within the time aforesaid: *Provided, however*, Said late clerks, sheriffs, and constable, and their securities, shall continue to be responsible for the penalties against issuing illegal fee bills; and said administrators shall likewise be responsible for all illegal distraints for illegal fee bills or taxes under this act.

§ 3. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 855.

1868.

AN ACT for the benefit of W. M. Samuels, of Hickman County.

WHEREAS, Two judgments have been rendered in the Franklin circuit court in favor of the Commonwealth of Kentucky against W. M. Samuels, late sheriff of Hickman county, and his official sureties; the one for four thousand four hundred and forty-two dollars and thirty-six cents principal, eight hundred and eighty-eight dollars and forty-seven cents damages, and three dollars and ten cents costs, and the other for three thousand three hundred and fifty-nine dollars and thirty-five cents principal, six hundred and seventy-one dollars and eighty-one cents damages, and three dollars and ten cents costs; and whereas, executions have been issued on said judgments, and have been levied on real and personal estate of the value of more than double the amount of said judgments; and it appearing that said real estate, under existing circumstances, cannot be sold, unless the Commonwealth becomes the purchaser of the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to hold up the executions on said judgments not exceeding twelve months: *Provided*, That the defendants therein shall, within twenty days after the passage of this act, file in his office their agreement in writing that the validity of the levies on said executions shall in nowise be affected by such indulgence as may be extended them by said Auditor: *And provided further*, That this act shall not be so construed as to prevent the Auditor from issuing said executions at any time within said twelve months, when he may believe the interest of the State requires him so to do.

§ 2. This act to take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 856.

AN ACT for the benefit of Westley Phelps, Sheriff of Bullitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Westley Phelps, sheriff of Bullitt county, shall have further time until the first day of June, 1868, to collect and pay into the Treasury of the State the balance of the revenue due by him to the State for the year 1867.

§ 2. Before said Phelps shall be entitled to the benefit of this act, the sureties in his bond for the collection of the

1868. — revenue for that year shall enter of record in the Bullitt county court their consent to this extension of time.

§ 3. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 857.

AN ACT to incorporate the St. Vincent's Orphan Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. J. Spalding, L. Bax, Henry Dent, Patrick Bannon, Wm. O'Conner, James McSorley, John C. Webb, Columba Carroll, and Julia Hobbs, he, and they are hereby, constituted a body-politic and corporate, to be known as the St. Vincent's Orphan Asylum; and by that name shall have perpetual succession and a common seal, with power to change and alter the same at pleasure; and as a body corporate shall be authorized to exercise all the powers, rights, and privileges that are enjoyed and exercised by any institution of learning within this Commonwealth; and on the death, resignation, or disqualification of any of said trustees or their successors, a majority of the remaining trustees may fill such vacancy or vacancies, and the persons so appointed shall be vested with the same powers and privileges as if specially named in this act; and by the name and style aforesaid may sue and be sued, plead and be impleaded, in any court in this Commonwealth.

§ 2. Said corporation shall have power to acquire, by purchase, gift, or devise, lands, tenements, hereditaments, moneys and personal estate, for the use of said corporation; and said trustees, or a majority of them, may, from time to time, make such laws and regulations as they may deem proper and useful for the government of said institution, not contrary to the constitution of the United States, or the constitution and laws of the Commonwealth.

§ 3. The said corporation shall have power to receive into its custody, and retain under its exclusive control, all such female children as may have been, or may hereafter be, abandoned by their parents; also, all such female children as may be committed to its custody and control by the father or (if he be dead) by the mother; and also, all such orphan female children as may, in good faith, be committed to its custody and control by any two good citizens of this Commonwealth, with the approval of the county court of the county where the child is found, because such children are found by them to be without home and protection, and without moral and religious training. And the children who may be received by said corporation for the reasons, or upon any of the grounds aforesaid, shall,

from the time when so received until they severally attain the age of eighteen years, remain in its custody and be subject to its exclusive control: *Provided*, That the cost attending the proceeding before the county court, as above required to be made, shall be allowed by the court of claims, and paid out of the county levy.

1868.

§ 4. Said corporation, for the purposes of protection of the person of any child committed to its care, is hereby invested with all the rights and powers of a parent or natural guardian.

§ 5. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 858.

AN ACT to incorporate the Green River Synod of the Cumberland Presbyterian Church.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Milton Bird, R. H. Caldwell, and W. J. Pace, be, and they are hereby, incorporated and declared a body politic, by and under the name and style of the "Board of Trustees of the Green River Synod of the Cumberland Presbyterian Church;" and they and their successors in office, under and by that name, to have perpetual succession, sue and be sued, hold and acquire property and estate, real and personal, which may be necessary and proper for religious and educational purposes, which shall be held for the sole use and benefit of Synod, under whose control said corporation shall be, with full powers to said Synod to appoint, from time to time, trustees, in place and lieu of the above named persons, their successors, or any of them.

§ 2. The above named persons, or their successors in office, shall have full and ample power, under the direction of the said Synod, to sell and convey any property and estate which they may acquire for the uses aforesaid.

§ 3. The said corporation shall have the same powers and perform the usual duties which corporations of a similar kind have, under the general laws.

§ 4. This act to take effect from its passage.

Approved March 6, 1868.

1868.

CHAPTER 859.

AN ACT to incorporate the Board of Trustees of the Presbyterian Church of Morganfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jonathan R. Hughes, Cromwell Adair, Jesse T. S. Taylor, and Daniel H. Hughes, and their successors in office, are created a body politic, by the name and style of "The Board of Trustees of the Presbyterian Church of Morganfield;" by that name they may sue and be sued, contract and be contracted with, plead and be impleaded, in all courts of this Commonwealth; that the said trustees or their successors, whenever a majority of the members of said Presbyterian church shall direct, shall have power to lease and rent, or sell and convey, the present church property, and to purchase other property; to erect such building as they may desire, and to receive subscription for such purpose; and may sue for and collect any such subscriptions, or any other donations that may be given to said trustees: *Provided*, They shall not hold real estate exceeding ten thousand dollars in value.

§ 2. The said board of trustees shall have full power to sue for any injury done their said property, and the absolute control of the same, except that they shall have no power to exclude from preaching in said church any person whom the session thereof may invite to preach therein.

§ 3. The said trustees shall hold their said office until their successors are elected; and the members of said church shall, once in each year, elect four trustees of said church, who shall likewise hold their office for one year, and until their successors are elected.

§ 4. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 862.

AN ACT for the Benefit of Warren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the county court of said county, a majority of the justices of the peace of said county concurring in the order, be, and he is hereby, authorized to issue county bonds of, and in the name of said county, to an amount not exceeding twenty-six thousand dollars, for the purpose of enabling said county to finish the new court-house in said county now in process of erection, and for the purpose of furnishing said house, and

of fencing and improving the said court-house lot; said bonds to mature at some period not exceeding twenty years from their respective dates, in the discretion of said court; and said bonds to bear interest not exceeding eight per cent. per annum, payable semi-annually, with coupons attached. Ten of said bonds to be of the denomination of one thousand dollars each, and the balance in denominations of from one hundred to five hundred dollars each, in the discretion of said court, a majority of said justices concurring.

§ 2. The act of the Legislature, entitled "An act for the benefit of Warren county," approved February 27th, 1867, shall apply and control in the management of the bonds herein authorized to be issued, so far as the same does not conflict with this act.

§ 3. This act shall be in force from its passage.

Approved March 6, 1868.

CHAPTER 863.

AN ACT in relation to State Roads in Union County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in addition to the powers conferred by statute, the county court of Union county shall have the same jurisdiction over "State roads" that county courts now have with regard to roads and passways.

§ 2. The proceedings to alter, discontinue, or erect gates across such roads, shall be the same as now required with regard to roads and passways.

§ 3. This act to take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 864.

AN ACT to amend the Charter of the Independence and Big Bone Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Independence and Big Bone turnpike company, residing in Kenton county, shall have the exclusive right to control and appropriate all that portion of the capital stock of said company which was subscribed by persons living east of the Covington and Lexington turnpike, being the same represented upon the books now in the possession of James M. Williams, treasurer.

1868.

§ 2. That for the purpose of enabling said company to complete its road from Independence to such point as may be selected on the Covington and Lexington turnpike, the president and directors thereof are hereby authorized to open books for an additional subscription to its capital stock, to an amount not exceeding ten thousand dollars; the same to be subscribed and paid for as said president and directors may prescribe.

§ 3. That this act shall take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 865.

AN ACT to incorporate Blandville and Cairo Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Utterback, A. S. Taylor, Z. W. Bugg, Jacob Corbett, A. J. Worden, J. D. White, G. W. Mantle, Patrick H. Pope, D. W. Munn, H. W. Webb, John Crice, and S. Taylor, be, and are hereby, appointed commissioners to open books and obtain subscription of stock to build a turnpike, gravel, plank, or artificial road from Blandville to Cairo.

§ 2. The capital stock of said road company shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each. Whenever five thousand dollars of said stock is taken, a meeting of the stockholders shall be called, and they shall elect a president and five directors; each stockholder shall cast one vote for each share of stock he owns, and may vote by himself or proxy. Whenever said president and directors shall be chosen, they shall be, and are hereby, made a body-politic and corporate, under the name of the Blandville and Cairo turnpike company; and by such name may sue and be sued, contract and be contracted with; and they and their successors shall have perpetual succession.

§ 3. There shall be an annual election, at such time and place as said company may direct, for president, directors, and treasurer.

§ 4. Said company shall have all the powers conferred upon the Paducah and North Ballard turnpike company, passed February, 1868, to construct an artificial road from Blandville to Cairo; may build bridges, condemn route, gravel pits, timber, &c.; sue out writs of *ad quod damnum* for such purpose, which shall be governed by general laws on such subjects, and do all acts necessary to construct said road and keep it in repair; erect toll-gates, &c., and have all the powers usually conferred upon such companies.

§ 5. Said president and directors shall have the route surveyed and locate said road; and buy and hold any property, real or personal, necessary and proper for the successful operation of said road.

1868.

§ 6. This act to take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 866.

AN ACT to incorporate the Glasgow Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. L. Hill, D. M. Ashby, Joseph R. Garnett, Woodford Shobe, W. H. Botts, Jos. H. Lewis, C. C. Forbs, S. H. Bolea, Tho. Jones, C. W. Terry, R. H. Porter, R. B. Evans, and A. Crenshaw, and their successors and associates, or any five of them, be, and they are hereby, created a body politic and corporate, by the name and style of "The Glasgow Railroad Company," with all powers and authority incident to corporations, and such as are vested and created by this act; with power to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts and places; to have and use a common seal, may alter and change the same at pleasure. The capital stock of said company may be five hundred thousand dollars, or any less sum upon which they shall see fit to do business. The said company shall have power to purchase, or receive by gift or donation, and hold, use, or sell the same, any quantity of real estate in Barren county, or any other species of property; the shares of stock in said company shall be twenty-five dollars; the company may open books at such time and place as they see fit, privately or publicly, with or without notice, for the subscription of stock in said company. Each person taking stock in said company shall sign an obligation in the books of the company, in the words and figures following, to-wit: "We, whose names are hereto subscribed, agree and promise to pay to the 'Glasgow Railroad Company' the sum of twenty-five dollars for each share of stock attached to our names respectively, at such time and place as the company may require. Given under our hands — day of —, 18—." The said persons hereby incorporated may elect one of their number president of the company, who shall hold his office for one year, and such longer time as the company may fix; the company may make and fix its own rules and regulations as to what other officers it shall have, provide for their election, term of office, and installation, and who shall be voters to elect them.

1868.

§ 2. That said railroad company may buy from any other incorporated company any railroad track or road-bed and its corporate franchises in Barren county, and have the same conveyed by deed or otherwise, and the title as fully vested in it as if it had been originally laid out, bought, and built by the company hereby incorporated; and when so bought, the company may repair, finish, and complete and equip the same, and have all the rights to run steam cars upon it as any other incorporated railroad companies have upon their road-beds; or said company may purchase, or otherwise receive the conveyance to the company, in fee or otherwise, any land or parcels of land, on and through which to construct and build a railroad in said county; and the company may proceed to build, construct, and complete a line of railroad, and use and work the same, as by the company may be deemed just and profitable; and in all things touching the purchase, management, and control of such road, the company is vested with all the power and rights of an individual over his private property. Said company shall have perpetual succession.

§ 3. That said company shall have power to receive and accept the subscription of the one hundred thousand dollars of stock from the Barren county court, for and on behalf of the voting precinct in said county in which Glasgow is situated, as provided may be subscribed to the Barren County railroad by a former act of this present Legislature; and the provisions of that act in every respect are hereby declared to be applicable to this company; and the stock provided for in that act, as contemplated to be voted and subscribed to the said Barren County railroad company, may be voted and subscribed, levied and collected, to and for the company hereby incorporated, under the same provisions, conditions, and directions as are set out in said act: *Provided, however*, That if it is subscribed to one company it shall not be to the other.

§ 4. This act to take effect from its passage.

Approved March 6, 1868.

CHAPTER 867.

AN ACT Chartering the St. Louis, Shawneetown, and Madisonville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

§ 1. That W. G. Bowman, Charles Carroll, Jas. B. Turner, D. W. Lusk, A. M. L. McBain, O. Pool, and Thos. S. Ridgeway, Gallatin county, Illinois; Thos. K. Givens, Jno. W. Givens, Jas. R. Johnson, C. W. Cook, G. P. Cosby, P. D. Watson, and M. C. Dorris, of Webster county, Ken-

tucky; D. H. Hughes, S. D. Dulaney, John S. Geiger, and Hugh McElroy, of Union county, Kentucky; and J. B. Earle, J. B. Walker, C. S. Green, M. T. Winstead, A. K. Bradley, W. W. Langley, J. W. Headley, and Jno. Couch, of Hopkins county, Kentucky, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of the "St. Louis, Shawneetown, and Madisonville railroad company," with all powers and authority incident to corporations, and such as are vested and created by this act.

1868.

§ 2. That the said St. Louis, Shawneetown, and Madisonville railroad company is hereby authorized and empowered to construct and operate a railroad, with single or double track, and necessary side-tracks, turnouts, switches, and appendages, from a suitable point opposite the town of Shawneetown, Illinois, on the Ohio river, in Kentucky (or at such place in the immediate vicinity thereof as will be suitable for railroad purposes), to the town of Madisonville, in said State of Kentucky; and the said railroad company may make any contract for operating and running their road, jointly, with any other railroad that the president and directors may deem proper and necessary.

May construct
and operate
road.

§ 3. The railroad company may, in and by their corporate name of the "St. Louis, Shawneetown, and Madisonville railroad company," contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts, with full power and authority to acquire, hold, occupy, and use all such real estate, rights, ways, and franchises, together with such personal estate, fixtures, and appurtenances, as may be necessary to construct, complete, equip, and operate said road; and may have and use a common seal, and alter and renew the same at pleasure; and shall have, use, and exercise all the powers, rights and privileges, which other railroad corporations in this State may lawfully have, enjoy, and exercise; and a perpetual succession of members by the name and style aforesaid.

Corporate
powers.

§ 4. The capital stock of said company shall be (\$——) ———— dollars, divided into ———— thousand shares, of (\$100) one hundred dollars each, and be issued and transferred in such manner, and upon such conditions, as the board of directors of said company, by their by-laws, may direct. The said corporation is authorized to procure aid from any State, corporation, or individual; and may receive donations and subscriptions in land for stock, and accept conveyances of the same, which lands so received may be conveyed and sold by said company for its use and benefit; and such conveyances and sales to and from said company may be upon such terms and conditions as the parties to such transactions may agree upon.

Capital stock.

May receive
donations, &c.

1868.

May acquire
lands, &c.

§ 5. The said railroad company may acquire by gift, purchase, or lease, in fee simple, or for a term of years, any lands or other property necessary for the construction, equipping, and operating said railroad, and for the construction of bridges, work-shops, offices, depots, and station-houses, warehouses, water-tanks, or other building, structure, or fixture, necessary to the complete construction, equipment, and operation of said railroad.

§ 6. The said railroad company may acquire, through their president and directors, or a majority thereof, or their authorized agent, by gift, grant, or devise, any land, stone, earth, timber, or other material which may be wanted for the construction or repair of said road, or the construction or repair of any necessary structures, fixtures, appurtenances, or appendages of said road; and if any lands, stone, earth, timber, or other material of said company, cannot be acquired by gift or grant, and the said president and directors, or their authorized agent cannot agree with such owner for the purchase thereof, or if the same should be the property of a married woman, infant, or person of unsound mind, or person laboring under other disability, then said property may be acquired in manner and form as provided in sections thirteen and fourteen of an act, entitled "An act to incorporate the Elizabethtown and Paducah railroad company," passed by the General Assembly of Kentucky, and approved March 5th, 1867, which sections thirteen and fourteen of said act are hereby incorporated into and made part of this act; the said St. Louis, Shawneetown, and Madisonville railroad company having and being subject to all the rights and liabilities of the said Elizabethtown and Paducah railroad company under said sections.

Corporations
may take stock.

§ 7. The said railroad company may acquire subscriptions to its capital stock from any State, city, town, individual, or corporation; and any city, incorporated town or county, through or near which said road may be built, or which may be interested in the construction of said railroad, may, after holding the election hereinafter provided, subscribe to the capital stock of said St. Louis, Shawneetown, and Madisonville railroad company, and payable on such terms, in such manner, and upon such conditions, as shall be agreed between such city, incorporated town or county, and said company. And such State, county, city, or incorporated town, shall have the same rights and privileges, and be subject to the same liabilities, as other stockholders, due regard being had to the relative proportions of stock. And shall be lawful for such city, county, or incorporated town, a majority of its legal voters agreeing thereto, on application of the president or a majority of the directors of said company, or their authorized agent, to the county court of such county, or the city council of,

1868.

or board of trustees of, such city or town, to call an election to be held at the usual voting places in such county, city, or town, and in the manner in which elections for municipal officers are required to be held, not less than thirty days' notice thereof being given in the newspapers published in such county, city, or town, or in the newspaper having the greatest circulation therein. The officers of said election shall be appointed by the same authority, in the same manner, and under the same oath and qualifications of office, that officers of municipal elections are required by law to be appointed; and any officer failing to discharge his duty under this act shall be subject to the same pains and penalties that he would be subject to for failing to discharge his duty in any special or general election of officers in this Commonwealth. It shall be the duty of the clerk of such election to prepare two columns in his election-book, the first of which shall be headed "For the railroad tax," the second "Against the railroad tax." And the majority of the legally qualified voters of said city, county, or town, as shown by the poll-books of said city, county, or town, at the last general election preceding said election, shall determine whether or not such county, city, or town shall subscribe to the capital stock of said railroad company.

§ 8. Said St. Louis, Shawneetown, and Madisonville railroad company shall be under the control and management of nine directors, to be chosen by the stockholders of said company, which board of directors, or a majority thereof, shall elect a president of said road, who shall have all the powers, and be subject to all the liabilities to which such officers usually have and are subject. The board of directors shall have power to provide for the payment of a reasonable salary to the officers of said company. The president and board of directors, and other officers of said company, shall be elected from among the stockholders. The first election of directors shall be held within one month, or as soon thereafter as may be practicable, from the time one thousand shares of the capital stock of said company shall have been subscribed in the manner hereinafter provided. Such election shall be held by two temporary judges and a clerk, chosen from among the stockholders. Each stockholder in such election shall be entitled to cast one vote for each share of stock owned or controlled by such voter; and such stockholder may give written authority to any person to act for him or her as proxy, whose vote shall be counted as other votes. Any city, county, State, or incorporated town, owning stock in said company, may be represented in said elections by the mayor of such city, judge of the county court of such county, Governor or Secretary of State of such State, or chairman

Who to control and manage affairs of company.

To pay reasonable salary to officers.

1868.

of the board of trustees of such town, or such proxy as may be authorized in writing to act for them: *Provided*, That it shall not be lawful to hold such election, unless a majority of the stock of said company shall be represented therein; and that no such election shall be held until twenty days' notice thereof shall be given in the newspapers published in the counties through which said road is likely to pass, or in the newspaper having the greatest circulation in said counties. A majority of the stock present shall carry all elections; this act of incorporation affirming and making valid their actions.

Directors to
be elected an-
nually.

§ 9. In order to perpetuate the board of directors of said company, nine directors of said company shall be elected annually on the first Thursday in June, at such place on the line of said road as the president and directors thereof may appoint. Said election to be held shall be held by the stockholders of said company in manner and form, and the stockholders to have the same rights and privileges, as hereinbefore provided in section eight of this act.

May make
contracts.

§ 10. The president and directors of said company are hereby empowered with full power to make all contracts, bargains, sales, transfers, purchases, or arrangements whatever, in order to the construction of said railroad. And the said president and directors, or their agents or engineers, laborers, or other attaches, shall have full power and authority to enter upon, occupy, use, and excavate any lands over which said road may pass, and may acquire the same, or any stone, earth, timber, or other material necessary to the construction of said road, in the manner provided in section six of this act; and they shall have the right to erect all structures necessary for the building, equipping, and running said road: *Provided*, That it shall not be lawful for said company to obstruct any navigable stream by bridge or other means.

Commissioners
to open books.

§ 11. J. R. Strange, T. J. McEwen, J. B. Walker, of the county of Hopkins; C. W. Cook, M. C. Dorris, of the county of Webster; D. H. Hughes and John S. Geiger, of the county of Union, are hereby appointed commissioners to open books for subscriptions to the capital stock of said company; and said commissioners may, jointly or severally, or by themselves or their agents duly authorized in writing, receive subscriptions anywhere in or out of said counties. Such commissioners shall hold their office until the election of the board of directors and president takes place, under the provisions of section eight of this act.

§ 12. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 868.

1868.

AN ACT to enlarge and define the boundary of the Town of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Bowling Green be, and the same is hereby, bounded as follows: Beginning at the house of Jas. F. Ewing, running thence to B. C. Grider's house; thence to W. L. Underwood's; thence to Strange's ford on Barren river at low water mark; thence with the meanders of said river at low water mark to a point opposite the mouth of the lane between the Curd lands and the land of Robinson; thence from that point to said Robinson's house; thence to the northeastwardly corner of Claypool and Payne's pork-house land; thence with their line to said river; thence with the meanders of said river at low water mark to the mouth of Gennings' creek; thence with said creek at low water to the bridge on the Brown's lock road; thence to the house of F. G. Cox, formerly the James Hines' place; thence to the nearest corner of T. B. Gorin's land, on which he has his race-track; thence with the lines of that land, so as to include it in the town limits, to the Russellville road; thence to the Nashville turnpike at C. R. Edwards' southern corner; thence to the most southwardly corner of the new fair ground lot of land; thence with the line of said fair ground lot to its corner nearest the house of Jas. F. Ewing; thence, including said fair ground land, to the beginning, including all lines and all the territory within said boundary, shall be, and the same is hereby, added to the city of Bowling Green, and brought within the jurisdiction of the authorities of said city; and all the property within said limits shall be taxable by and for the use of said city, and may be listed for that purpose; and the tax collected the present year as other taxes for said city are listed and collected: *Provided, however,* That no real estate shall be taxable for that purpose, except as it has been, or may hereafter be, laid off or set apart as town lots of five acres or less: *And provided further,* That no property within said additional boundary, while used for purposes of machinery, or the product resulting from said machinery while it remains on the premises, shall be taxable by or for the use of said town; and the ferry property and wharf and warehouse property on said river, within said additional boundary, shall also be exempt from said town taxation. That the land devised by R. Curd, deceased, to the children of H. K. Thomas and Elvira Thomas, in trust, shall not be liable to town or city tax, so long as the title of said land remains in said trustees.

§ 2. This act shall take effect from its passage.

Approved March 6, 1868.

1868.

CHAPTER 869.

AN ACT to amend the Charter of the City of Dayton, in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in the city of Dayton, in Campbell county, as incorporated by the act, entitled "An act to consolidate the towns of Jamestown and Brooklyn, in Campbell county, and incorporate the city of Dayton, approved March 9, 1867," shall include within its limits, for all purposes of municipal taxation and government, the whole of what formerly constituted the towns of Jamestown and Brooklyn, together with Taylor and Davis' subdivision, and Taylor Berry's subdivision.

§ 2. That any or all bonds issued by the said city of Dayton, and the authority conferred by the eighth section of the act aforesaid, may be made to bear any rate of interest not exceeding ten per centum per annum.

§ 3. That this act shall take effect from and after its passage.

Approved March 6, 1868.

CHAPTER 870.

AN ACT to create an additional Justices' District and Voting Precinct in Harlan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created an additional justices' district and voting precinct in Harlan county, bounded as follows, to-wit: Beginning on Catron's creek, so as to include the dwelling house of George Eager in the new district, and then to include all the citizens on Catron's creek and its waters, from Eager's up; thence to include all the citizens on Walden's creek and its waters above Shade Hellons', sr.; thence to the heads of Puckett's creek, so as to include Jack Tipton and all on Puckett's creek above him on said creek; thence to Brownie's creek, so as to include all the citizens to the Josh Bell county line; thence to the Virginia line to same; thence with the Virginia line, opposite the farm of Sarah Harris, on Crawk's creek; thence to the top of the Little Black Mountain; thence with the top of same to the lower end of Alex. Wynn's farm, on Martin's Fork; thence a straight line across the dividing ridge between the Coon Branch and the Crane Branch; thence up the ridge to the top of the mountain; thence with the top of the mountain downwards to the beginning.

§ 2. The voting place is established at the first ford of Martin's Fork below Abigail Middleton's dwelling-house. 1868.

§ 3. An election shall be held for justices and constable at the voting precinct of said district, governed in every respect as elections are usually held, on the first Monday in April, 1868.

§ 4. This act is to take effect from its passage.

Approved March 6, 1868.

CHAPTER 873.

AN ACT extending the time of the Marion Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present February term of the Marion circuit court may continue twenty-four juridical days instead of eighteen days, as now allowed by law; and, in case the regular judge of said court does not continue to hold said court, the practicing attorneys at said court shall have power to elect a special judge to hold the residue of said term, who shall have all the powers of the regular judge.

§ 2. That hereafter the June term of said court shall be held for the trial of ordinary equitable and criminal causes.

§ 3. This act shall take effect from its passage.

Approved March 6, 1868.

CHAPTER 876.

AN ACT to provide for the Settlement of the Accounts of N. Craig, late Keeper of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Board of Commissioners of the Sinking Fund be, and they are hereby, authorized and directed to investigate and audit and settle the accounts of N. Craig, late Keeper of the Penitentiary; and said Commissioners shall report the result of such investigation to the adjourned session of the General Assembly.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1868.

1868.

CHAPTER 877.

AN ACT to amend and construe the fourth section of the "Act to establish a Court of Common Pleas in Jefferson County," approved February 24, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fourth of an act, entitled "An act to establish a Court of Common Pleas for the county of Jefferson," approved 24th February, 1865, shall be construed to give the Jefferson court of common pleas, and said court of common pleas shall have, all the civil jurisdiction of the Jefferson circuit court, subject to the exceptions therein mentioned; and said Jefferson court of common pleas may proceed with all matters of original or appellate civil jurisdiction now pending therein.

Approved March 7, 1868.

CHAPTER 878.

AN ACT for the benefit of School District No. 8, in Bullitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction be, and he is hereby, authorized and instructed to certify to the Auditor, and direct payment on the report of the common schools taught in Bullitt county, in the year 1867; said common school being known and numbered as district school No. 8, in Bullitt county, the trustees of which school, owing to sickness, having failed to report in time for the year named: *Provided, however,* That payment be made out of any surplus, if any, that may remain due to said county out of the school fund of 1867.

§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 879.

AN ACT to increase the jurisdiction of the Quarterly Court of Henry County in Criminal and Penal Causes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the quarterly court of the county of Henry shall have exclusive jurisdiction in all cases of petit larceny, carrying concealed deadly weapons, for keeping tippling-houses, and over all other crimes and misdemeanors, where the fines now imposed by law do not exceed one hundred dollars.

§ 2. That the judge of the quarterly court shall cause to be selected and summoned, as now required by law, a grand jury twice a year, viz: in the months of March and September, whose duty it shall be to indict all persons for a violation of any of the criminal or penal laws of the county of Henry, where the quarterly court has jurisdiction by virtue of this law; and said court, in its proceedings in every cause, shall be regulated by the same laws now in force in the circuit courts. 1868.

§ 3. That the county attorney shall perform the same duties required by law of the Commonwealth's attorney in such cases; and he shall receive thirty per cent. of all fines collected in said court, in the causes where, by law, he is required to prosecute.

§ 4. That the judge of the court shall cause a jury to be selected, empaneled, and sworn, as now required by law, to try all causes under this act where a jury would be required in the circuit court; and the grand and petit jurors shall receive each seventy-five cents per day.

§ 5. That the fines under this act shall be appropriated to the payment of the jurors, and the balance for the benefit of the county, to be appropriated by the county court of claims.

§ 6. That the judge of the said quarterly court shall appoint a trustee of the jury fund, whose duty it shall be to receive and collect from the sheriff all moneys and fines in said court going to the county by virtue of this act; he shall give bond, with surety to be approved by the court, which bond is to be entered of record in the Henry county court clerk's office, in the faithful discharge of the duties of his office, and shall report in the month of November in each year, to the county court, a statement in full of all moneys received by him under this act; and for a failure to discharge the duties imposed upon him by this act, he and his sureties shall be liable to an action on said bond, in the name of the Henry county court.

§ 7. That the judge of the quarterly court shall receive, for the services rendered by him under this act, such an allowance as the county court of claims may see proper to give him.

§ 8. That nothing in this act shall prohibit examining courts from being held by justices of the peace, as now authorized by law, but whose jurisdiction is hereby given to the quarterly court; the bail bond shall be taken for the appearance of the party to that court.

§ 9. That the same pains and penalties shall be inflicted for the commission of any of the offenses of which this court has jurisdiction by this act, that by law are now inflicted, except in cases of petit larceny, and the party convicted thereof shall be fined from one to one hundred

1868.

dollars, and imprisoned in the county jail or house of correction not less than three, nor for a longer time than twelve months, or so fined and imprisoned, at the discretion of the jury.

§ 10. That where there is any omission in this act in regard to the manner and form of trial, the same shall then be regulated by the law now in force in such cases in the circuit courts; that all proceedings in such causes now tried in the circuit court shall be held to be applicable to trials in this court, unless otherwise provided by this act.

§ 11. That the clerk of the Henry county court shall act as clerk of the quarterly court, in the transaction of all business under this act, and shall receive for his services the same compensation now allowed by law to the clerk of the circuit court for similar services.

§ 12. That this act shall take effect from and after its passage, and continue in force for two years.

Approved March 7, 1868.

CHAPTER 880.

AN ACT to amend an act, entitled "An act to incorporate the St. Joseph's Orphan Society of Louisville," approved December 2d, 1851.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the St. Joseph's Orphan Society of Louisville," approved December 2d, 1851, be, and hereby is, amended as follows: The said St. Joseph's Orphan Society of Louisville shall have the same power and control over the children now under their protection, or that may hereafter be taken under their protection, until they respectively attain the age of twenty-one years, that fathers have over their children, and guardians have over their wards; and the said society shall have the right to receive, raise, take care of, educate, and bind out as apprentices, any child that they now have or may hereafter receive in their institution; but the county court of Jefferson county, and the Louisville chancery court, shall have the power, on complaint made, to investigate the treatment of any child or children in said institution, and to review, correct, or annul or continue, any articles of apprenticeship that may be entered into under this act, if, upon investigation, such court should deem it advisable and just.

§ 2. This act shall be in force from its passage.

Approved March 7, 1868.

CHAPTER 881.

1868: —

AN ACT to Charter the Kendrick Institute of Learning, in Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an institution of learning be, and the same is hereby, incorporated and established, near the town of Monticello, Wayne county, Kentucky, to be known and called by the name of the Kendrick Institute.

§ 2. That William J. Kendrick, as president of said institution, and A. S. Jones, Cosbey Oatts, William Bartleson, and Charles H. Buster, shall constitute a board of trustees of said institution; and as such, shall have perpetual succession and existence; and as such, they may sue and be sued, contract and be contracted with, hold and enjoy, and possess all moneys, property, or choses in action, which may at any time or in anywise belong to said institution; and they are hereby made able to receive and hold, for the use and benefit of said institution, all lands, tenements, money, choses in action, or other thing, by conveyances or other transfers, which may, in anywise belong or fall to said institution, including all endowments and donations that may, from time to time, be made to the same.

§ 3. That said board, when suing and being sued, contracting or acting for or on behalf of said institution or its rights or interest, they shall be styled and style themselves the President and Trustees of the Kendrick Institute.

§ 4. In the event that the president, or any one of the trustees constituting said board, shall at any time die, resign, become incapable of acting, or refuse to act, it shall be the duty of those remaining in office or surviving, to promptly supply the vacancy or vacancies.

§ 5. For the purpose of promoting the cause of education in all its branches, and extending the sphere of science, said board shall have power, from time to time, to establish and endow in said institution such professorships as they may deem necessary for a liberal and thorough course of instruction; they shall have free power to solicit and employ any officers and agents they shall deem proper, as they, from time to time, may deem necessary: *Provided*, Such officers, agents, and employees, shall rely alone upon the tuition fees and earnings of said institute.

§ 6. Said board are hereby empowered to make, ordain, establish, and execute all such by-laws, rules and ordinances, not inconsistent with the Constitution and laws of the United States or of this State, as they may deem necessary for the welfare of said institution, for their own government, for the good government of the professors, instructors, tutors, agents, officers, and students of the

1868.

same, and generally do all acts necessary and proper to build up said institution and promote its welfare and prosperity.

§ 7. That said board, together with the faculty, shall have power to hold annual commencements and public examinations; and shall also have power to confer such honorary degrees and diplomas as are usual in other institutions or colleges in the United States; and shall have all the powers, privileges, and immunities, and subject to all the pains, penalties, and liabilities of similar institutions in the State of Kentucky.

§ 8. That said board may allow any denomination of Christians, or any individual, to endow any professorship in the literary department of said institute, upon such terms as may be just and reasonable by them; and the denomination of Christians, or the individual making such endowment, shall have the right to appoint a competent and acceptable professor, by and with the advice and consent of said board.

§ 9. Said board shall have full power, at all times, to promptly dismiss, turn out of office, or suspend any teacher or employee for incompetency, improper conduct, or for such misbehavior as is incompatible with the dignity of the station held by the delinquent.

§ 10. A majority of said board shall constitute a quorum to do business; and no act of said board shall be valid or binding unless it receives the previous sanction of a majority of all the board.

§ 11. They shall have power to appoint a treasurer of said board, who shall execute bond with good security, to be approved and accepted by said board, and it shall be his duty to receive and receipt for all funds which may belong to said institution, and safely keep the same, and to pay out and disburse the same in pursuance to an order of said board, signed by the president thereof, and not otherwise.

§ 12. That the stockholders in said institution shall have the right and power to transfer the whole or any part of their stock held by any one of them, by written transfers on the books of said institution, to be signed by the party, and attested by the keeper of said records.

§ 13. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 883.

1858.

AN ACT to incorporate the Hopkinsville Coal, Iron, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Gano Henry, Thos. Green, S. W. Henry, together with their successors, associates, and assigns, be, and they are hereby, created a body politic and corporate, by the name and style of the Hopkinsville Coal, Iron, Mining, and Manufacturing Company; and by that name in law made capable of contracting with; to have and enjoy and retain to themselves, their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, as may be necessary and convenient for the working of coal-mines, for manufacturing coal oil or other thing, and for the erection and working all necessary mills, and for other powers and privileges, business and employments, now used by private coal companies or private manufacturing companies in this Commonwealth. They may build branch railroads to connect any of their works with any railroad now chartered, or which may be chartered, on the condition of their obtaining the right of way by contract; and if such right of way cannot be so secured, the said company may have the same condemned as is required by law in the condemnation of lands for turnpike roads. The said company may sue and be sued, plead and be impleaded, defend and be defended, in all courts of record or other places; to have a common seal, and the same to alter at pleasure; to put into execution all such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, not being contrary to the Constitution and the laws of this State or of the United States. All written contracts, signed by the president in the name of the company, shall be binding and obligatory upon the company.

§ 2. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each.

§ 3. The company may buy, build, or erect all kinds of machinery, buy coal and coal land and coal reservations, for carrying on their business; and may dispose of their property of any character, by sale or otherwise. They may receive real estate in payment of subscription [for] stock as the corporators may deem advisable, or a majority of them, at such prices as the parties may agree. They shall have the right to hold, either by purchase or otherwise, such real estate, mining rights, or manufacturing mills, rights of way, as by them may be thought necessary for the necessary prosecution of their business; and the same, or any part thereof, sell or otherwise dispose of as the interest of the company may require.

1868.

§ 4. The business of the company to be conducted by three directors, to be chosen annually by the stockholders on the first Thursday in May in each year; but the old directors to hold over in case of no election or other cause; one of the three directors shall be chosen president by that body. They shall have power to fill all vacancies in their body and appoint all necessary officers and agents. Each share of stock shall entitle the holder to one vote in person or by proxy.

§ 5. The stock of the company shall be deemed personal estate, and may be transferred on the books of the company after such has been fully paid.

§ 6. The president and directors shall require a bond of their treasurer, with good security; and for failure to pay up their stock by any stockholder, the share or shares of such stockholder may be declared forfeited by the president and directors, or they may sue and recover the same; but no forfeiture shall be declared until a notice shall have been served on the party, their administrators or guardians, for ninety days preceding the forfeiture.

§ 7. Books for the subscription of stock may be opened by any one of corporators, but no subscription to be entered on the books of the company except at the instance of a majority of the board of directors or corporators.

§ 8. It shall be lawful for the president and directors of the company, from time to time, to borrow or obtain on loan such sums of money, and on such terms, as they may deem expedient, and to pledge or mortgage all or any part of their estate, improvements, privileges, effects, and assets whatsoever of said company, for the payment of such loans or indebtedness.

§ 9. In all suits instituted against this corporation, the service of the process shall be upon the president, and it shall not be necessary to show a contract under the seal of the company to maintain a suit against it; but said corporation, by its duly authorized agent or agents, may make parol contracts, which shall be binding; and on such parol contracts suits may be maintained: *Provided*, Such contracts shall be within the fair meaning of the power or authority granted or delegated to such agent or agents.

§ 10. When stock in money, or real estate stock, to the amount of five thousand dollars, has been subscribed, the corporators shall call a meeting of the stockholders of the company for an election of directors, who shall hold their office until the next annual stockholders' meeting.

§ 11. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 884.

1868.

AN ACT incorporating the Washington Manufacturing and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thompson S. Parks, James H. Holladay, Thomas J. Glenn, Benjamin F. Adair, Richard M. Parks, Andrew Smothers, F. E. Congleton, W. P. Ross, and Thos. Kennedy, and their successors, are hereby created a body-politic and corporate, in the name and style of the Washington Manufacturing and Mining Company; and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and break or alter the same at pleasure; and may make all necessary or convenient by-laws, rules and regulations, for the government of said company and the management of its affairs, not inconsistent with the State or Federal constitutions.

§ 2. That said company shall have power and authority to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business thereof, according to the by-laws, rules and regulations, which may, from time to time, be adopted by said company for its government and the transaction of its business; and said company may be organized by the aforesaid corporators, or a majority thereof, at such time and place as they may appoint.

§ 3. That the capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of fifty dollars each, which shall be subscribed in such manner, and paid in at such times and in such installments as may be prescribed by said company in its by-laws, which by-laws may provide, upon the non-payment of such assessments, or any part thereof, within the time fixed for their payment, that the appropriate officer or agent of the company may proceed, in the manner prescribed by the by-laws of the corporation, to advertise and sell such delinquent shares, or so many of them as may be necessary to pay the sums due thereon, with incidental charges.

§ 4. The said company shall have power to hold such estate, real, personal, or mixed, in Kentucky, by purchase, lease, or otherwise, as it may deem necessary and proper for carrying on the mining of coal, developing, collecting, and securing petroleum, by sinking wells or otherwise, and reducing the oil to its component parts, or refining it, the smelting of iron ore, the conversion of timber into lumber, the manufacture of oil and other products of coal, of iron of all sorts, and other products of ore; the manufactory of mineral generally, and the building houses, machinery,

1868.

boats, and other things which may be necessary for manufacturing as aforesaid and the transportation of coal, oil, iron ore, lumber, and all other things; with power to sell and convey all such products, material, and estate at pleasure; and to some one or more or all of the purposes and objects aforesaid the business of said company shall be confined: *Provided, however*, That whatever may be necessary and expedient as incidental to said business, is not excluded from the power of said company.

§ 5. Said company may borrow money on such terms, and secure the same in such way, as may be prescribed by the by-laws or determined on by the stockholders; but no banking privileges are hereby granted to said company.

§ 6. That said company, owning by purchase, lease, or otherwise, any mine or mines, oil lands, mining lands, or timber lands, in any county bordering on the Ohio river, Big Sandy, Kentucky, or Licking rivers, in this State, shall have power to own, construct, and operate railroads, team roads, or other roads, with double or single track, to and from its mine or mines, oil lands, mining lands, or timber lands, and said rivers, or either of them, and by such convenient route or routes as it may designate; and for the purpose of location, may enter upon and survey over the intermediate land or lands; and if the company cannot acquire the right of way over, and the necessary earth, gravel, stone, timber, &c., from, the intervening and adjacent lands, on terms by it deemed reasonable, it may proceed, by writ of *ad quod damnum*, to condemn the right of way and materials in the manner pointed out in the Revised Statutes, chapter one hundred and three, title "Turn-pikes and Plank Roads."

§ 7. This act shall take effect from and after its passage. The Legislature reserves the power to alter or amend this act.

Approved March 7, 1868.

CHAPTER 885.

AN ACT to incorporate the Kentucky Life Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That A. A. Gordon, Edward Fulton, R. S. McKee, Henry J. Srites, Arthur Peter, and Lyttleton Cooke, together with their associates, successors, and assigns, shall be, and they are hereby, created a body politic and corporate, by the name and style of the "Kentucky Life Insurance Company," and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend,

in all courts and places as a natural person; and may have and use a common seal, and alter and change the same at will; and said company shall have all other rights and powers usual and incident to corporations; and may do such acts and things as may be deemed advisable within the purview of this act.

1868.

§ 2. The capital stock of said company may consist of any number of shares, not exceeding ten thousand, of the par value of one hundred dollars each; and the persons named in the first section of this act, or any one of them, may open books for, and receive subscriptions to, the same, at such times and places, and subject to such rules, regulations, terms and conditions, as a majority of them may deem proper; and they may, in the subscription books, fix the amount to be paid upon each share of stock at the time it is subscribed for, and the manner of securing the payment of the remainder, and prescribe what failures shall authorize a forfeiture of the stock subscribed for; and all payments which shall have been made on any stock declared forfeited shall inure to and be held for the use and benefit of said company; and said company shall have a first lien on the shares of the stockholders to secure any indebtedness or liability by them to it; and such shares shall not be assignable nor transferred until the debt or liability has been paid or discharged: *Provided, however,* That no person, whose stock shall be forfeited, shall thereby be released from any liability as a stockholder for the then existing liabilities of said company.

Capital stock.

Books for subscription of stock may be opened.

§ 3. The persons named in the first section of this act, or a majority of them, may cause the books for subscriptions to the capital stock of said company to be continued open until the whole of the stock is subscribed for, or whenever five hundred shares have been subscribed and paid, or secured to be paid, they may close the subscription books, and, by giving seven days notice in some newspaper published in the city of Louisville, call a meeting of the subscribers at some suitable time and place, for the purpose of electing a board of directors for said company, to serve until their successors are duly elected and qualified. Said board of directors to be thus chosen shall consist of such number of stockholders as said persons shall in the notice specify; and at said election, and at all subsequent elections of directors for said company, each stockholder shall be entitled to one vote for each share of stock he or she may own, and may cast the same in person or by proxy; and at all such elections the number of persons necessary to be chosen, who shall respectively receive the highest number of votes cast, shall be declared duly elected: *Provided, however,* That no person shall at any time be elected, or serve as a director for said company,

May continue open books for subscription of stock.

When directors to be elected.

1868.

who does not own at least ten shares of the capital stock thereof.

Regular elections.

§ 4. The board of directors, whose election is provided for in the preceding section, shall provide for a regular election of directors for said company on the first Monday in February next succeeding their election, and for annual elections thereafter, due notice of which said elections shall always be given in some newspaper published in the city of Louisville, for at least seven days preceding each election; and all such elections shall be held at the home office of the company in said city, under the inspection of two or more persons to be selected by the board of directors, who shall certify the result thereof to the secretary of said company, specifying the persons duly elected; and said secretary shall file all such certificates in some secure place, and notify the persons chosen of their election; and the directors thus chosen shall serve until the next regular annual election, and until their successors are elected. Should any vacancy or vacancies occur in the board of directors during the time intervening between the regular annual elections, the same may be filled by the remaining directors until the next regular election.

Directors to manage & control affairs of company.

§ 5. The board of directors shall have the management, government, and control of the property, business, and affairs of said company; and they may, from time to time, enact and put in force such rules, by-laws and regulations, for governing, managing, and conducting the same, as they shall deem proper, and alter, amend, and repeal the same at will. They may, from time to time, prescribe, in the by-laws, the number of directors to be chosen at regular annual elections, and shall specify therein the number of directors necessary to constitute a quorum for the transaction of business. They may also appoint an executive committee, to consist of the president and two other directors; and said committee may, when the board is not in session, exercise all the powers of said board of directors, except where it has been otherwise provided in the by-laws. The board of directors shall also elect or appoint, as they may deem proper, such officers, agents, and employees, as may be advisable, who shall hold their offices and places during the pleasure of the board of directors or executive committee; and said board may require of any or all of them, before entering upon the discharge of their duties, bonds, in such penalties as may be deemed proper, to secure the faithful and honest performance of their respective duties; and, upon any bonds thus taken, recovery may be had for breaches of the conditions thereof: *Provided, however*, That the president and vice president of said company shall always be selected from the board of directors.

Executive committee—their powers & duties

§ 6. It shall be lawful for said company, in its corporate name, to make any and every kind and description of insurance on, or pertaining to, the lives and persons of individuals, upon such terms and conditions, and subject to such rules, regulations, and restrictions, and for such considerations as may be expressed, stipulated, and contained in the respective certificates, contracts, and policies issued in due form, and signed by the proper officers of said company. Said company may also, in its corporate name, grant and sell endowments, and grant, sell, purchase, and dispose of, annuities, upon such terms and conditions, and for such considerations, as it may deem proper; and the annuities and endowments granted and sold by said company shall be payable and paid to the person or persons for whose benefit the endowment or annuity is granted, or their legal representatives, free from the claims of all creditors or other persons whomsoever. And said company shall have all other rights and powers held and exercised by any other life insurance company in this Commonwealth; and may reinsure any risk, or any part of any risk, on which it may have made insurance.

§ 7. A policy of insurance on the life of any person expressed to be for the benefit of any married woman, whether procured by herself, her husband, or any other person, shall inure to her sole and separate use and benefit, and that of her children, independently of her husband or his creditors, or the person effecting the same, or his creditors. A trustee may be appointed by the person obtaining the policy, or if no such appointment is made, then one may be made by the judge of the county or probate court of the county in which the party resides for whose benefit the policy is made, to hold the interest of the married woman or her children, if the same are minors, in said policy, or the proceeds thereof. When any policy is effected by any person on his own life, or the life of another person, expressed to be for the benefit of such other person, or his or her representative, or a third person, the person for whose benefit it was made shall be entitled thereto against the creditors and representatives of the persons effecting the same, and all other persons whomsoever; and the same shall be payable to, and paid to said beneficiary, or to his or her heirs or legal representatives.

§ 8. Applications for insurance shall state all the material facts and circumstances affecting the risks, and no contract shall be binding on the company unless this requirement is complied with.

§ 9. Said company is hereby authorized and empowered to purchase or otherwise acquire and hold, use, possess, enjoy, and control all such real and personal property,

1868.

Business of
corporation.Policy expressed to be
for benefit of
married women
to inure to her
use, &c.What appli-
cations for in-
surance shall
state.May acquire
and hold prop-
erty.

1868.

goods, chattels, and other things, as may be convenient and desirable for the transaction of its business, or which may be pledged or conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and may sell and convey or otherwise dispose of the same as a natural person.

Stock unsub-
scribed to be
held for use &
benefit of com-
pany.

§ 10. Should the persons named in the first section of this act close the subscription books before the whole of the stock is subscribed for, the shares remaining unsubscribed shall be held by the board of directors for the use and benefit of said company, and may be by them sold, or otherwise disposed of, at any time, in such manner as to them shall seem best for the interest of the company.

May invest
surplus earn-
ings, &c.

§ 11. It shall be lawful for said company, and it is hereby authorized and empowered, to invest its capital stock, surplus earnings, and other moneys, in such property and securities as may be deemed most secure, safe, and remunerative; and for that purpose, it may lend or advance money, on all kinds and descriptions of property; it may discount and purchase promissory notes, and other evidences of debt; and the promissory notes which may be discounted or purchased by it prior to maturity, are hereby put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers, or other parties thereto; and said company may receive stocks, bonds, and any other property or securities, in pledge for the security of money loaned or debts owing, and may sell and dispose of the same on the non-payment of the debt or demand at the stipulated time of payment, in accordance with any contract or agreement made and entered into between the parties; and a sale and conveyance thus made shall pass to and vest in the purchaser all right, title, interest, claim, and demand that the party making the pledge may have in and to the property or thing pledged; and any authority given to make any such sale and conveyance shall be irrevocable until the debt or demand shall have been paid or discharged.

§ 12. This act shall take effect and be in force from and after its passage.

Approved March 7, 1868.

CHAPTER 886.

1868.

AN ACT to incorporate Big Spring Lodge, No. 162, Independent Order of Odd Fellows.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. C. Malin, N. G., and Richard Willett, V. G., and Wm. W. Hodges, Sec'y, and their associates, be, and they are hereby, created a body corporate, by the name and style of "Big Spring Lodge, No. 162, of the Independent Order of Odd Fellows;" and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws and regulations, of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved March 7, 1868.

CHAPTER 887.

AN ACT to incorporate Columbia Lodge, No. 1, Knights of the Crescent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter become members, of Columbia Lodge, No. 1, Knights of the Crescent, are hereby created a body politic and corporate, under the name and style of "Columbia Lodge, No. 1, Knights of the Crescent," with perpetual succession; and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts in this Commonwealth; and have a common seal, to alter and amend the same at pleasure.

1868.

§ 2. That the business of said corporation shall be intrusted to the three principal officers and their successors in office, which officers may be elected and installed as the rules of said fraternity may require; and all contracts made with any two of said principal officers shall be binding on said corporation.

§ 3. That the said corporation may purchase, lease, and hold real and personal estate, not to exceed in value the sum of five thousand dollars, and may sell and dispose of the same at pleasure.

§ 4. Said corporation may, from time to time, pass such by-laws as they deem necessary for the government of said corporation, not inconsistent with the laws of this State or the United States.

§ 5. The purposes of said corporation shall be to promote the cause of temperance, give additional aid in sickness, and promote the morals of the community in general.

§ 6. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 888.

AN ACT to incorporate Mayo Lodge, No. 198, Free and Accepted Masons, of Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That J. C. Demoss, William A. Morin, and Peter Mains, their associates and successors, be, and they are hereby, created a body politic and corporate, by the name and style of "Mayo Lodge, No. 198, Free and Accepted Masons, in Campbell county;" and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts in this Commonwealth or elsewhere; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure, not inconsistent with the constitution of this State or of the United States.

§ 2. That said corporation shall have power and authority to acquire and hold real or personal estate not exceeding ten thousand dollars in value at one time, and from time to time, if deemed expedient, sell and convey the

same, or any part thereof, and to reinvest and dispose of the proceeds.

1868.

§ 3. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 889.

AN ACT to incorporate the Seventh District Academy, in Garrard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joshua Dunn, sr., Jeff. Dunn, John T. Leavell, David F. Smith, and George H. Dobyns, are hereby authorized, at any time after this act is passed, to open books in Bryantsville, Kentucky, for the purpose of receiving subscriptions for the erection of a school-house building upon the ground formerly used in the seventh school district, in Garrard county, for common school purposes; and that, when an amount shall have been subscribed which will be deemed sufficient by said commissioners for the erection of such a building as is desired, they shall determine the amount of each share, and, by written notices posted at three of the most public places in the district, ten days before the proposed meeting, call together the stockholders for the purposes of choosing from among their number five trustees, who shall be known as the "Trustees of the Seventh School District;" each stockholder being entitled to one vote for each share owned by him or her.

§ 2. The time for holding the first election of trustees may be fixed by the commissioners; the trustees thus elected to hold their office till next regular election of trustees. The next election, and all subsequent elections, shall be held every twelve months, at the time and by the officers now designated for holding elections for "common school trustees."

§ 3 The trustees thus elected, and their successors, are hereby constituted a body politic and corporate, by the name and style of the "Trustees of the Seventh District Academy;" with all the powers, and subject to the same regulations, as are given to the trustees of the Dycusburg Academy by an act incorporating the Dycusburg Academy, approved February 20, 1860. The act incorporating the Dycusburg Academy, as far as applicable, is hereby reenacted, and is made a part of this.

§ 4. This act to take effect from its passage.

Approved March 7, 1868.

1868.

CHAPTER 891.

AN ACT creating the Forty-ninth School District in Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that part of school district No. 37, in Monroe county, lying within the following described boundary, be, and the same is hereby, erected and formed into a new district, and shall be called and known as school district No. 49, in Monroe county.

§ 2. The boundary of said new district shall be as follows, viz: Beginning at L. J. Kirkpatrick's, thence running so as to include E. W. Williams, and with the Bennet ridge westward, so as to include all living on said ridge, to Thomas Wilson's spring; thence down said spring branch to the mouth; thence running so as to include Tobias Grider and Charles Oldham; thence down Ward's branch to the mouth; thence a straight line to the beginning.

§ 3. This act shall have the effect to place said district No. 49 on the same footing with other school districts of Monroe county; and the provisions of the common school law shall apply to district No. 49 as they apply to other common school districts in Monroe county.

§ 4. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 892.

AN ACT for the benefit of School District No. 25, in Grant County.

WHEREAS, George Lemmon, George H. Norton, and John Landrum, trustees of common school district No. 25, Grant county, have built in said school district a frame school-house for the benefit and use of said district, costing them between five hundred and fifty and six hundred dollars, and have been unable to obtain money by subscription to pay for the same; and for all debts caused by erecting the same they are responsible; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be a special tax of twenty cents on every hundred dollars' worth of taxable property in said district, collected by the sheriff of Grant county, in the years 1868 and 1869, as other tax is collected, and paid to the said George Lemmon, George H. Norton, and John Landrum, to enable them to pay any debt or debts created by them for the purpose of purchasing material, paying mechanics, and hauling lumber and other material in building said school-house. That the said George Lemmon,

George H. Norton, and John Landrum, shall keep an account of every item of cost in building said house, and shall also keep an account of all moneys received by them heretofore on subscription or hereafter, under and by virtue of this act, with all proper vouchers of receipts and disbursements, and settle their said accounts with B. N. Carter in December, 1868, and December, 1869; and the said Carter shall report the same to the county court of Grant, which shall cause the said settlement to be filed in the Grant county clerk's office. That the said B. N. Carter is authorized to allow the said George Lemmon, George H. Norton, and John Landrum, a reasonable sum for their extra trouble and service in building said house; and the county court shall allow said Carter a reasonable sum for his services in making said settlement. That if there remain any surplus in the hands of said Lemmon, Norton, and Landrum, after paying sheriff's fees for collecting, said Carter for settling, and the said Lemmon, Norton, and Landrum for extra services, the said surplus shall be expended by them for any purpose connected with said house, or the lot on which it stands, that they may deem proper; and they shall settle their account in regard to said surplus as they did the other received and disbursed.

1868.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 893.

AN ACT establishing the 7th School District in Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the seventh school district in Clinton county shall consist of those living within the following boundary, viz: Beginning on the Burksville road at the county line; thence south with said line to J. M. Smith's field; thence to B. G. Chaney's; thence to Thomas Ragsdel's, excluding him; thence up Dickens' branch to Andrew Brown's; thence to A. Macky's, excluding him; thence to Peter Shelley's, including him; thence to B. Wright's mill; thence up the creek west to the county line; thence with said line to the beginning.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

1868.

CHAPTER 894.

AN ACT, entitled "An act to amend an act allowing Common School Districts to levy a district school tax for the benefit of School District No. 20, in Mercer County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section ninth, of chapter 1243, approved March 2d, 1865, and entitled "An act allowing common school districts to levy a district school tax," be so amended in its application to school district No. 20, in Mercer county, as to read "ten cents" instead of "five cents."

§ 2. That this act take effect from its passage.

Approved March 7, 1868.

CHAPTER 895.

AN ACT for the benefit of School District No. 6, in Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby directed to certify and order payment to district No. 6, in Fleming county, on the report of the school commissioner of the number of children in said district on the first day of January, 1868, between the ages of six and twenty years: *Provided*, That not more than one dollar and sixty-six cents per child shall be so paid: *And provided*, That payment shall be made out of any surplus that may remain to the credit of said county in apportioning the school money for 1867; and should there be no such surplus, or not a sufficient amount thereof to pay the said allowance in full, the same, or the balance of same, shall be paid out of the bond-fund which is placed to the credit of said county, as far as the said bond-fund will pay said allowance.

§ 2. That this act shall have effect from and after its passage until the first of July, 1868.

Approved March 7, 1868.

CHAPTER 897.

AN ACT to authorize the Trustees of the Town of Calhoon to sell Public Ground in said Town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Calhoon be, and they are hereby, authorized and empowered to sell and convey such portions of the public ground in said town,

between Water or Front street and Green river, so as to leave said Water or Front street at least sixty six feet in width, whenever said trustees shall deem the sale of said public ground conducive to the interest of the inhabitants of said town: *Provided*, That all sales made under this act shall be made publicly and after advertisement thereof, as is required by law in sales of real property under execution.

1868.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 898.

AN ACT for the benefit of the Town of New Liberty, in Owen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the town of New Liberty, Owen county, and amendatory acts thereto, so far as they authorize the election of a town marshal for said town, be, and the same are hereby, repealed, and that hereafter the constable of the precinct in which the town of New Liberty is situate shall be ex officio marshal of said town.

§ 2. That, before he enters upon the discharge of his duties as marshal by virtue of this act, he shall, in addition to his official bond as constable, execute a bond before the board of trustees of said town, to be approved by said board, for the faithful discharge of his duties, and to pay over to the treasurer of said town, or any one authorized by the said board of trustees to receive it, all moneys collected by him by virtue of the power hereby conferred.

§ 3. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 899.

AN ACT for the benefit of D. Little, late Presiding Judge of McLean County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Douglass Little, late judge of the McLean quarterly court, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect and distrain for all fee bills due him.

§ 2. That said Douglass Little is also allowed the further time of two years to collect any and all fees due him as

1868.

justice of the peace in McLean county, and as justice of the peace in Daviess county: *Provided*, Said Little shall be subject to all the pains and penalties now imposed by law for issuing, distraining for, or collecting illegal fee bills.

§ 3. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 900.

AN ACT for the benefit of the Rockcastle County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Rockcastle county court is hereby authorized to cause to be summoned the justices of the peace for said county, to attend and constitute a court for the purpose of raising the county levy of said county, for the years 1867 and 1868, and of increasing, if necessary, the same sufficient to pay the indebtedness of said county in repairing the public buildings and other legitimate purposes, although the same may exceed two dollars and fifty cents on each tithe.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 901.

AN ACT for the benefit of Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Gallatin county shall have power, the presiding judge and a majority of the justices in commission in said county being present and concurring therein, to levy an *ad valorem* tax for the use of said county, not to exceed fifteen cents on every one hundred dollars in value of all the property in said county that is taxed for revenue purposes for the State, the same to be estimated and ascertained by the books returned to the county court by the assessor for each year in which the tax may be imposed and made collectable. The sheriff of Gallatin county shall collect the said tax at the same time, and in the same manner, by distress or otherwise, that he is by law required to collect the State revenue; and shall, in each year, account for the said tax at the same time as he now is or heretofore has been required by law to account for the county levy, and shall receive the like commission for so doing; and he and his sureties shall be responsible

for the non-collection or non-payment of said tax, in the same manner, and to the same extent, that they are responsible for the State revenue; and the Gallatin circuit court shall have jurisdiction, by motion or suit, to render judgment for the same, with damages and costs, in case of any default of said sheriff.

1868.

§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 902.

AN ACT for the benefit of Russell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of five years be allowed Russell county to procure and provide such iron vault in which to keep the county records.

§ 2. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 903.

AN ACT to repeal an act, entitled "An act for the benefit of Fleming County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Fleming county," permitting William T. Dudley to qualify as administrator *de bonis non* of James Andrews, approved February 9th, 1866, is hereby repealed.

§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 904.

AN ACT for the benefit of Floyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Floyd county, a majority of the justices being present and concurring therein, shall have the power to levy and collect an *ad valorem* tax, not exceeding twenty cents upon each one hundred dollars' worth of property subject to taxation in said county, for the purpose of improving and repairing the public buildings of said county, and for paying the indebtedness of same.

1868.

§ 2. That the said tax shall be collected and paid by the sheriff of said county in the same manner as is now provided by law for the collection of the county levy of said county.

§ 3. This act shall be in force from its passage.

Approved March 7, 1868.

CHAPTER 906.

AN ACT for the benefit of the Washington County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Washington county court shall have the further time of three years from the passage of this act to comply with the provisions of "An act to require the county courts to have one or more fire-proof vaults in their respective counties erected for the safe-keeping of the public records of their respective counties," approved February 11th, 1867; and during said time, the said county court shall in nowise be liable for not building vaults as required by said act.

§ 2. That the judge of said county court shall have power to convene the justices of said court, and when so convened, said court shall have power to revise the levy for 1868, made at its November term, 1867: *Provided*, That nothing in this act shall be construed to authorize said court to legalize any claim or allowance that it may have made at its last levying term, not authorized by the laws of this State.

§ 3. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 907.

AN ACT to legalize the action of the Lawrence County Court of Levy and Claims at the November Term, 1866.

WHEREAS, The court of levy and claims of Lawrence county did, at the November term, 1866, sell to K. F. Prichard the old clerk's office, situated on the public square, and belonging to said county; and whereas, said court of levy and claims possessed no power or authority in law to make said sale; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale of said office by said court of levy and claims to K. F. Prichard be, and the same is hereby, legalized.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 908.

1868.

AN ACT for the benefit of the County Court of Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hardin county be, and it is hereby, authorized and empowered, two thirds of all the justices of said county concurring therein, to sell and convey the farm now owned and used by said county as a poor-house farm.

§ 2. That said court, two thirds of the justices concurring, may purchase for, and in the name of the county, a poor house farm, and erect suitable and necessary buildings thereon, for the comfortable care of the poor of the county; and in order to raise money necessary for that purpose, said court may levy and collect an *ad valorem* tax on the property of the county, subject to taxation under the revenue laws of this State, not, however, to exceed the sum of fifteen cents on the hundred dollars in any one year.

§ 3. This act shall take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 909.

AN ACT to Legalize the Acts of the Bracken County Court.

WHEREAS, The county court of Bracken county, as shown by the records of said court, has borrowed money from divers persons, at a rate of interest not exceeding ten per cent., for the purpose of constructing turnpike roads and building bridges and public buildings in and for the use of the county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the acts and orders of said county court borrowing said sums of money be, and are hereby, made legal and binding between the said county court and the parties loaning the money.

§ 2. That the county court, at its court of claims each year, a majority of all the justices of the peace of the county being present and concurring therein, may levy a tax upon all the property in the county, subject to taxation for State revenue, not exceeding twenty-five (25) cents on the one hundred dollars' worth of property, in addition to the taxes now imposed by law, for the purpose of paying off the debts of the county, which shall be collected by the sheriff as State revenue is now collected, and paid out by him as the county court may direct.

§ 3. This act shall take effect from the date of its passage.

Approved March 7, 1868.

1868.

CHAPTER 910.

AN ACT to authorize the signing of certain Records of the Jackson County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. S. Martin, late judge of the Jackson county court, be authorized to sign certain records made by him; and, through oversight, said Martin has failed to sign the same.

§ 2. Said records shall be legal to all intents and purposes when signed by said C. S. Martin.

§ 3. This act shall be in force from its passage.

Approved March 7, 1868.

CHAPTER 911.

AN ACT to authorize the Logan County Court to increase the County Levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Logan county court are hereby authorized, at the next April or May term of said court, to lay a county levy not exceeding one dollar and fifty cents per tithe, in addition to the levy imposed in the year 1867, provided a majority of the justices of the peace shall be present and concur therein.

§ 2. That the sheriff of the county shall collect said additional levy as he does the regular levy.

§ 3. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 913.

AN ACT to authorize the County Court of Trimble County to subscribe stock in Turnpike Roads on certain conditions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Trimble county, a majority of all the justices of the peace for said county being present, is hereby authorized and empowered to make subscription to the capital stock of any turnpike road company which has been, or may hereafter be, incorporated by the Legislature of Kentucky, or by said county court, under the general laws, not exceeding five hundred dollars per mile for each mile of such roads which may be located within the limits of said county; and that said court, with the concurrence of a majority of the justices aforesaid, may levy a tax upon the real and personal estate in said

county, subject to taxation for revenue purposes, sufficient to pay the same; and that all the laws of the State applicable to the collection of the revenue shall apply to the collection of the tax thus levied.

1868.

§ 2. Provided that such subscription shall not be made by the county court of said county until a majority of the legal voters, voting at a special election, to be held on the first Saturday in April, 1868, shall declare in favor of levying said tax.

§ 3. That for the purpose of enabling the voters of said county to ascertain the will of a majority of those voting, there shall be a poll opened at each of the voting precincts in said county, on the day before specified, at which the regular judges of elections shall preside; and said election shall be conducted in all respects as other elections are provided by law.

§ 4. The votes taken shall be registered in a list in separate columns, "For the tax," "Against the tax;" and when thus taken, certified to the county clerk of said county. If a majority of the voters in said county shall determine in favor of the levy and collection of the tax as aforesaid, said county court shall order fifty per cent. of the same collectable the first, and fifty per cent. collectable the second year.

§ 5. This act to be in force from and after its passage.

Approved March 7, 1868.

CHAPTER 914.

AN ACT to authorize the Campbell County Court to make subscriptions to the Capital Stock of Turnpike Road Companies located within said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Campbell county, at any regular term of said court, a majority of the justices of the peace in commission residing outside of the corporate limits of the city of Newport being present and concurring therein, shall have power to make subscriptions to the capital stock of any turnpike road company which has been, or may hereafter be, incorporated by the Legislature of Kentucky, or by said county court, under the general law, not exceeding the sum of five hundred dollars per mile for each mile of such roads as may be located within the limits of said county; and that said court, with the concurrence of the majority of the justices aforesaid, may levy a tax upon the real and personal estate in said county, subject to taxation for revenue purposes, sufficient to pay the same; and that all the laws of the State applicable

1868.

to the collection of revenue shall apply in the collection of the tax thus levied: *Provided*, That such subscriptions shall not be made till said court shall be satisfied that an amount of stock sufficient, with the aid of such county subscriptions, to complete each mile of road to which such county subscriptions apply, has been taken by private subscription: *And provided*, That said subscription shall not be made to any road unless the same shall be made fourteen feet in width.

§ 2. The provisions of this act shall in nowise apply to real and personal estate situated within the corporate limits of the city of Newport.

§ 3. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 915.

AN ACT to authorize the Washington County Court to sell the Poor-house belonging to said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for Washington county shall have power to sell poor-house and lands attached thereto, upon such terms as to said court may seem reasonable. In such sale the purchaser shall give bonds to said court, with good security, and a lien shall also be retained on the property, having the force of a judgment; the sale shall be approved of and confirmed by said court, and upon the purchase money falling due, may cause execution to issue on the bonds therefor: *Provided*, That the sale shall not be ordered unless a majority of the justices of the peace shall be present and consent thereto: *Provided further*, That the proceeds of said poor-house and grounds shall be invested in the purchase of another poor-house and grounds, and for no other purpose.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 916.

AN ACT to authorize the City of Covington to Copy certain Records in the Kenton County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of Covington is hereby authorized to make a full and complete transcript of all the records of the Kenton county court now at Independence,

including deeds, mortgages, powers of attorney, &c., and place them in the office of the Kenton county court at Covington, where similar records are now kept for the use of the county: *Provided, however,* The city of Covington shall pay the whole cost of such transcript as shall be made as herein provided.

1868.

§ 2. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 917.

AN ACT to authorize the County Court of Butler County to sell and convey the Poor-house in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Butler county be, and is hereby, authorized, by an order entered of record, a majority of all the justices of said county concurring therein, to direct a sale of the poor-house and tract of land attached thereto in said county, upon such terms as may be prescribed by said court.

§ 2. That said court may, by like order, authorize the presiding judge of said county court to convey said poor-house and land thereto attached to the purchaser thereof, and said deed of conveyance shall be effectual to vest in said purchaser the title of said county in and to said property.

§ 3. This act shall take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 918.

AN ACT to authorize Robertson County to Borrow Money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Robertson county, a majority of the justices of the peace concurring, is hereby authorized to borrow three thousand dollars, on the credit of the county, for the term of five years or less, to be expended on the erection of public buildings in said county; and that the said county court shall levy a tax upon all property now subject to taxation for State revenue, for the purpose of paying the interest on said debt annually or semi-annually, as said court may contract, and to pay the principal at the time or times stipulated: *Provided,* That said court may levy a capitation tax to the amount

1868. of one dollar upon each voter of said county in aid of the payment of the above debt.

§ 2. Said court may contract, on the part of their county, to pay interest on any moneys borrowed for the above specified purpose, at a rate not exceeding ten per cent. per annum.

§ 3. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 919.

AN ACT to authorize the County of Shelby to build a Work-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Shelby county, composed of the presiding judge and a majority of the justices of said county, are empowered to procure suitable grounds, and to erect and establish a work-house in said county.

§ 2. That said court may allow the authorities of the town of Shelbyville to use said work-house upon such terms as may be agreed upon.

§ 3. That said work-house may be used as a place in which to control and employ all persons who may be sentenced by a court to pay fines, and fail to pay the same, all vagrants and drunken and disorderly persons, under such rules and regulations as may be prescribed by said court, not inconsistent with the constitution or laws of this Commonwealth.

§ 4. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 920.

AN ACT to authorize the County Court of Shelby to sell Bonds of the County to pay Debts of County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Shelby county, either at its regular or at any call term, may issue and provide for the sale of four bonds of said county, each bond being for five hundred dollars, and bearing eight per cent. interest per annum, and shall be signed by the presiding judge of the Shelby county court, and attested by the clerk of said court. Said bonds shall be made payable to bearer, and shall have not exceeding three years to run; and the interest shall be paid annually.

§ 2. The proceeds of the sale of said bonds shall be applied in payment of the existing indebtedness of said county; and the said court of claims shall provide for the payment of said bonds at their maturity, and the county levy of said county shall be responsible for the payment of said bonds and their interest.

1868.

§ 3. This act shall be in force from its passage.

Approved March 7, 1868.

CHAPTER 921.

AN ACT to authorize the Pendleton County Court to raise money to Build Bridges, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Pendleton county shall have power, the presiding judge and a majority of the justices of the peace in commission being present and concurring therein, to impose a county levy or poll-tax upon all persons in said county liable to pay county levy, at any or every annual court of claims, or at any other term of the court in each year, not exceeding one dollar on each tithable, for the sole and express purpose of building bridges and making and repairing roads in said county.

§ 2. The said county court may, at the same time, and in the same manner, and for the same purpose, as provided in the foregoing section, levy an *ad valorem* tax, not to exceed twenty cents on every one hundred dollars in value of the real and personal property subject to taxation for revenue purposes in the county, for any one year, to be estimated and ascertained by the books returned to the county court by the tax assessor for the year in which the tax is imposed and made collectable.

§ 3. The county court shall have power, at the same time, and in the same manner, and for the same purposes as provided in the foregoing sections, by an order entered in the order-book of the court, to borrow any sum of money, not exceeding ten thousand dollars, and to issue bonds for this purpose for such amounts each as they may deem proper, to bear interest at any rate not exceeding ten per centum per annum; the presiding judge of said court shall sign the bonds and the clerk shall countersign them and affix the seal of the court; the interest may be paid either annually or semi-annually, as the court may direct; the treasurer of said county, by the direction of said court, shall have power to borrow said money; he shall be the proper custodian of the same, and pay the same out upon the order, and by the direction, of said

1868.

court, and be liable upon his official bond as he is now made liable by law, and he shall report his proceedings to the court when required.

§ 4. The county court, constituted as prescribed in the first section of this act, shall appropriate any and all money raised by the provisions of this act, to effect any of the improvements in the county prescribed by this act; when any appropriation is made, the amount and the purpose for which it is made shall be fully stated in the order.

§ 5. The county court shall have power, from time to time, to appoint three or more commissioners to ascertain where and what improvements are necessary and proper to be made under this act, and to ascertain the cost as near as may be of such improvements, and report the same to the court; the court may then appoint a commissioner or commissioners to let out such work as may be determined upon by the court, to the lowest and best bidder, taking bond and security from the contractor for the performance of the work as directed by the court, which contract shall be reported to the court, and be approved or rejected.

§ 6. The sheriff of the county shall collect the tax and levy provided for by this act, in the same manner, under the same responsibility, and for the same compensation, as is now prescribed by law for collecting revenue and county levy; and he and his sureties shall be liable to the county on the bond for the collection of the State revenue for all *ad valorem* taxes, and upon the bond as collector of the county levy for the levy or poll-tax; he shall return his delinquent list for each class of taxes at the same time, and in the same manner, he returns his delinquent list of revenue and county levy under the general laws; he shall settle with the county for each class of taxes at the January term of the court in each year next after the year in which it was collectable, and at such other times as the court, by order, may direct; the court may appoint commissioners to make said settlement; the sheriff shall pay over any [funds] found to be in his hands, or with which he is chargeable on settlement, to the treasurer of the county, immediately after the settlement, who shall be responsible for the same on his official bond.

§ 7. The sheriff shall have the same powers, and be governed by the same laws in all respects, in the collection of the tax and levy provided for in this act, as he is governed by in the collection of the State revenue and county levy, and shall sell both personal and real property for said taxes and levy, in the same manner, and under the same regulations, as is now provided by law for the sale of personal and real property for taxes for State revenue, and said real

property may be redeemed in the same manner as is now provided by law.

1868.

§ 8. This act shall take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 923.

AN ACT to change the time of holding the Quarterly Courts in Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the Clinton quarterly court be changed so that said court meet in quarterly session on the second Mondays in January, April, July, and October in each year, instead of the time now fixed by law, and continue as many days as the business may require.

§ 2. This act to take effect after the first day in February, 1867.

Approved March 7, 1868.

CHAPTER 924.

AN ACT for the benefit of John C. Conkin, late Clerk of the Monroe County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, be, and the same is hereby, given to John C. Conkin, late clerk of the Monroe county court, in which to list and collect all the uncollected fee bills due him as clerk of said county court, under the existing laws of this State.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 925.

AN ACT for the benefit of A. L. Morton, Circuit Court Clerk of Ohio County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alonzo L. Morton, clerk of the circuit court of Ohio county, be allowed the further time of two years, from and after the passage of this act, to distrain for and

1868. collect his fee bills; and he is hereby made liable for the collection of illegal fee bills as is now provided by law.
§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 926.

AN ACT for the benefit of F. A. Smith, late Sheriff of Hart County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. A. Smith, late sheriff of Hart county, be, and he is hereby, allowed the further time of two years to collect all taxes and fee bills due him, and may distrain for same, but under the same rules and regulations as are provided by law for the collection of taxes and fee bills.

§ 2. This act to be in force from and after its passage.

Approved March 7, 1868.

CHAPTER 927.

AN ACT for the benefit of W. A. Ronald, late Sheriff of Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. A. Ronald, sheriff of Jefferson county for the year 1866, be, and he is hereby, released from all the damages allowed by law in the judgment rendered against said Ronald for said year's revenue, &c., upon the payment of the principal, interest, and cost: *Provided*, Said payment shall be made on or before the first day of April, 1868.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 928.

AN ACT for the benefit of James W. Hogg, Sheriff of Letcher County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James W. Hogg, sheriff of Letcher county, have until the first day of June, 1868, to collect and pay over the revenue for the year 1867, and return his delinquent list: *Provided*, That his sureties who stand bound for said revenue shall appear in the Letcher county court, and enter of record their assent to stand bound for said revenue until paid.

§ 2. That whenever James W. Hogg, sheriff of Letcher county, by himself or any one for him, shall pay into the Treasury the debt, interest, and cost of a judgment in the Franklin circuit court against said Hogg and his securities, for the revenue for the year 1867, of Letcher county, the same shall be a full discharge of said judgment, and the same shall be satisfied in full.

1868.

§ 3. This act shall be in force from its passage.

Approved March 7, 1868.

CHAPTER 929.

AN ACT for the benefit of Samuel Ellis, Sheriff of Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time until the first day of June, 1868, is hereby allowed to Samuel Ellis, sheriff of Lewis county, to pay into the Treasury the unpaid revenue due from the county of Lewis for the year 1867: *Provided*, That the sureties of said sheriff, in the county court for said county, consent to said extension, which shall be entered on the records of said court, and a copy thereof forwarded to the Auditor.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 930.

AN ACT for the benefit of the Securities of James B. McWhorter, late Sheriff of Taylor County.

WHEREAS, A judgment for the sum of seventeen hundred and eighty three dollars and twenty nine cents was obtained against James B. McWhorter, as sheriff of Taylor county, for the year 1864, for the county revenue of said county for said year, together with Joseph B. Beames, S. W. Geabheart, W. G. Davis, Joshua Mann, and Thomas M. Johnson, as his securities; and whereas, said securities have paid off the entire judgment, principal, interest, and cost, with the exception of the damages, \$261 76; and whereas, Thos. M. Johnson, one of said securities, has paid \$52 15, his proportionable part of said \$261 76 (damages); therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said \$261 76 (damages) be, and the same is hereby, remitted, and said securities released from the payment thereof; and that the sum of \$52 15 be, and the

1868.

same is hereby, appropriated to Thomas M. Johnson, to be paid out of any money in the Treasury not otherwise appropriated, and the Auditor of Public Accounts is hereby directed to draw his warrant for the same.

§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 931.

AN ACT for the benefit of H. F. James, Sheriff of Mercer County.

WHEREAS, Henry F. James, late sheriff of Mercer county, was allowed sixty-eight dollars and ten cents by the Mercer circuit court for conveying Alexander Warren as a prisoner charged with murder, not as a lunatic, to the Western Lunatic Asylum at Hopkinsville, from Harrodsburg; and whereas, there is no law allowing compensation to be paid for such services out of the State Treasury; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of Henry F. James for the sum of fifty dollars and ten cents, to be paid out of any funds in the Treasury not otherwise appropriated.

§ 2. This act to be a law from its passage.

Approved March 7, 1868.

CHAPTER 932.

AN ACT for the benefit of William Mullens, former Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and is hereby, directed to credit William Mullens, former sheriff of Wayne county, with his delinquent list for the year 1861, amounting to one hundred and thirty dollars and sixteen cents (\$130 16), whenever said Mullens shall pay into the Treasury the remainder of his entire indebtedness to the State for said year 1861.

§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 933.

1868.

AN ACT for the benefit of the Sheriff of Hancock County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas H. Estes, sheriff of Hancock county, be, and he is hereby, allowed the further time until the regular March term, 1868, of the Hancock county court, to execute his bonds and give security for the collection of the county levy and State revenue for the year 1868.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 934.

AN ACT for the benefit of John W. Kirby, late Sheriff of Gallatin County.

WHEREAS, It is represented to the General Assembly that John W. Kirby, sheriff of Gallatin county, Kentucky, together with several others of a posse summoned as such by him, stand now jointly indicted for obstructing the passage of the United States mail and the carrier and agent thereof, one C. W. Farris, in Gallatin county; and it appears that the mail was only delayed a few minutes, and that the agent or carrier, Farris, was indicted in the Gallatin circuit court for the crime of murder, and that a bench warrant, commanding his arrest, was then in the hands of the said Kirby, commanding the arrest of the said Farris; and that the said Kirby did, as he was commanded, arrest said Farris, and deliver him to the jailer of Gallatin county, and whereas, it appears that the said Kirby has expended a large amount of money in the defense of said indictment, in defense of himself and posse, in the several courts to which it has been removed, and that the same is now pending against him and them, and that he is illy able to bear so heavy an outlay; and the State of Kentucky should at all times be prompt to protect its officers in the legitimate discharge of their official duties; now, therefore, in consideration thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John W. Kirby be allowed, and that there be appropriated to him, the sum of six hundred dollars, to be applied by him in the defense of himself and others, jointly indicted with him, for obstructing the United States mail and mail agent in the county of Gallatin, while transporting the United States mail from Louisville to Cincinnati; the same to be paid to him out of the Public Treasury, upon the warrant of the Auditor of Public Ac-

1868. counts, from any money therein not otherwise specifically appropriated.

Approved March 7, 1868.

CHAPTER 935.

AN ACT for the benefit of Harrison Crouch and Green C. Hardin, of Washington County.

WHEREAS, It is represented to this General Assembly that Green C. Hardin and Harrison Crouch were trustees of common school district number three, in Washington county, in 1864; that they caused their school to be taught and made their report to the county commissioner within the time prescribed by law; but he failed to report the same to the Superintendent of Public Instruction, in consequence of which failure said district drew no part of the public money for 1864; and that said Crouch and Hardin have been compelled to pay the teacher employed seventy-five dollars, the sum said district should have drawn; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be directed to draw his warrant on the Treasurer in behalf of Green C. Hardin and Harrison Crouch for seventy-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 936.

AN ACT for the benefit of T. W. Pickering, of Caldwell County.

WHEREAS, It has been made known to this General Assembly that, at the June term, 1863, of the Caldwell circuit court, T. W. Pickering, of Caldwell county, was indicted for usurpation of office in accepting the office of sheriff of said county in January, 1862, under the Provisional Government of Kentucky; and whereas, judgment was rendered and a fine of \$500 collected on said indictment; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts shall draw his warrant upon the Treasury in favor of T. W. Pickering for the sum of \$350, or as much thereof as is shown to have been paid into the Treasury.

§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 937.

1868.

AN ACT for the benefit of J. A. Jacobs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of nineteen, dollars and sixty-five cents be, and is hereby, appropriated to John A. Jacobs for his expenses while acting as commissioner of the School of Feeble-minded Children, and the Auditor is hereby directed to draw his warrant upon the Treasury for the amount.

§ 2. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 940.

AN ACT to incorporate the Lewis and Mason County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of the "Lewis and Mason County Turnpike Road Company;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

Company incorporated.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road from the village of Equalization, or its neighborhood, in Lewis county, crossing the line between Mason and Lewis counties, and joining the Maysville and Mt. Carmel turnpike road at some point in Mason county.

Route of road.

§ 3. The capital stock of said company shall not exceed fifty thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 4. That books for the subscription of stock in said company may be opened at any time within eighteen months after the passage of this act, at Orangeburg and Maysville, in Mason county, and at Tollesburg, or neighborhood, in Lewis county, under the supervision of Richard H. Lee, Mann H. Davis, George Hull, Robert Hord, Thos. J. Walker, Nimrod Thomas, Samuel Lyons, Lewis Tolle, Thomas Glasscock, Daniel Bradley, James H. Meenach, Oliver W. Wright, Isaac N. Cooper, George W. Pollitt, William D. Coryell, Reuben Tolle, Charles G. Coryell, and Nelson Cooper, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign the following obligation, to-wit: "We, whose names are hereunto subscribed, hereby obligate ourselves to pay to the president and

Commissioners to open books for subscription of stock.

Obligation of subscribers.

1868.

Additional
subscriptions
may be received.

of the Lewis and Mason County turnpike road company fifty dollars for each share of stock in said company hereby subscribed by us." The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscriptions shall be made in a book in which said obligation shall be written. But said commissioners, or those acting, or the said company after it is organized, may receive conditional subscriptions of stock in said company, conditioned upon the route which said road may take between Equalization, or neighborhood, and the Maysville and Mt. Carmel turnpike road, or conditioned upon the point at which it shall join the said Maysville and Mt. Carmel turnpike road, or upon any other conditions which may be expressed in writing in any such subscriptions; and such subscriptions shall be valid and binding on the conditions therein stated. And said commissioners, or those acting, or said company, after it is organized, may receive subscriptions of stock to said company, in real estate, rock, lumber, or other personal property, which shall be valid and binding, and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered on the demand of the said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

When company may organize.

§ 5. As soon as three thousand dollars is subscribed to the stock of said company, it may be organized; and to this end, the commissioners acting shall give notice to the subscribers of stock, in some newspaper published in Maysville, Kentucky, by two weekly insertions, of the election of officers of said company, which shall be five directors, one of whom shall be chosen by the directors as president. The time and place of such election shall be stated in said notice; and after the first election of said officers, the elections thereafter for said officers shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of the commissioners, or of those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during the year by death, resignation, or removal from the State, the remainder of the directors may, if they deem it necessary, fill the vacancy.

How stock voted.

Who may be directors, take oath, &c.

Vacancies.

Mason county court may take stock.

§ 6. The said company, after it is organized, may keep open the books for additional subscriptions of stock in said

company. The Mason county court may subscribe stock in said company to an amount not exceeding one thousand dollars per mile of said road completed within the limits of Mason county, payable on the completion of each mile. And the Lewis county court may subscribe stock in said company to an amount not exceeding one thousand dollars per mile of said road completed within the limits of Lewis county, payable on the completion of each mile.

1868.

Lewis county
may take stock.

§ 7. The president and directors may appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure; said treasurer and clerk shall give bond with good security, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties, and shall also take an oath faithfully to perform their duties, which bond and the certificate of such oath shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road, and its maintenance afterwards, and gate-keepers, and such other employes as they may deem necessary.

May appoint
treasurer, &c.

To give bond.

§ 8. The said president and directors shall have power to pass any by-laws, rules and regulations, for their own government and the government and conduct of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act, or with the constitution of this State or of the United States.

May pass by-
laws.

§ 9. The said president and directors may let out for construction any portion of said road as soon as three thousand dollars is subscribed, or may do so after additional subscriptions are received, first determining, before commencing work on the Mason county end of said road, the point where it shall join the Maysville and Mt. Carmel turnpike road; and they may go on letting out for construction and completing said road, as the subscriptions of stock to said company may, in their opinion, justify them in so doing. And as soon as two and a half miles of said road are completed, they may erect a toll-gate and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes; and they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

May let out
road.

When may
erect gate.

Rates of toll.]

§ 10. The said company may receive releases of right of way for said road, and ground for rock-quarries and toll-houses, by consent or purchase; and if they deem it necessary they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpikes and plank roads (Revised Statutes, chapter 103),

May receive
right of way.

1868.

condemn land for right of way over which said road may, be located, and ground for toll-gates and toll-houses, and rock quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose according to law as aforesaid.

Width of road.
Penalty for ob-
structing road.

§ 11. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

May make by-
laws.

How stock to
be paid.

§ 12. Said directors and president shall prescribe in what installments the subscriptions of stock shall be paid; they may borrow money for the use of said company, not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 13. This act shall take effect and be in force from its passage.

Approved March 7, 1868.

CHAPTER 941.

AN ACT to incorporate the Licking and Wyoming Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby formed a corporation under the name of "The Licking and Wyoming Turnpike Road Company," with power to construct a turnpike road from or near the mouth of Fox creek, emptying into Licking river, to intersect the proposed turnpike known as the Owingsville and Wyoming turnpike road, on any route the president and directors thereof may determine. Martin Honaker, Jesse Atchison, Offa Atchison, and Ed. Emmons, or any two of them as commissioners, may open books at any time and place, and receive subscription to the capital stock thereof, until enough has been subscribed to complete the same. The shares of stock shall be fifty dollars, and each shall entitle the holder thereof at all elections to cast, in person or by proxy, one vote for each share held by him. When twenty-five hundred dollars of said stock has been subscribed, the commissioners acting shall, by written notice posted in Wyoming, and at three other conspicuous places along the route, call a meeting of the stockholders

at a time and place therein fixed, to elect five directors to manage the affairs of the company, who shall continue in office one year, and until their successors are elected and qualified.

1868.

§ 2. Said directors shall organize by electing one of their number president, who shall hold office until the succeeding election. They may elect and remove at pleasure a treasurer, secretary, and such other officers as may be necessary, and take bond for the faithful performance of their duties. They shall appoint the time for the annual election of directors, the first being within one year. They may make all necessary by-laws, locate and fix the grade and width of their road, and contract for the making of the same; and in the name aforesaid may contract and be contracted with, sue and be sued.

§ 3. On the completion of said road, said president, &c., may erect a toll-house and charge toll in proportion to the distance traveled, as by its charter the Maysville and Mt. Sterling turnpike road is permitted to charge; and said charter and amendments thereto are made applicable to the company hereby formed, as fully as if set forth at large herein, except as herein otherwise provided.

§ 4. Said president, &c., may locate said [road] over any public highway, and when not so located, may condemn and acquire the right of way, materials, &c., for the construction of the road, and land for the toll-houses, as provided in the Revised Statutes, title "Turnpike and Plank Roads."

§ 5. The county court of Bath county may subscribe to the capital stock of said company, as by law it is permitted to subscribe to the stock of other turnpike roads.

§ 6. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 942.

AN ACT to incorporate the Alexandria and Crane Trace Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. John A. Show, James Show, Mathias Tutchler, Joseph Wright, John Todd, and R. M. Brothers, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Alexandria and Crane Trace turnpike road company; and by said name and style shall have power to contract and be contracted with, sue and be sued, and all powers incident to corporations of like character.

§ 2. That said company is hereby authorized and empowered to construct a turnpike road from the corporate

1868.

limits of the town of Alexandria, to intersect the Old Road and Ripple Creek turnpike road, at or near the old Black farm, on Pond creek; and in order to secure the funds necessary to construct the same, shall have power to raise a sum not exceeding thirty thousand dollars, to be divided into shares of twenty dollars each.

§ 3. That the books for the subscription of stock shall be opened in the town of Alexandria, and at such other places as may be deemed best, under the direction of the persons heretofore named, all of whom are hereby made commissioners, for the purpose of obtaining subscription to the capital stock of said company; and they shall provide a book which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: We, whose names are hereunto subscribed, do severally bind ourselves to pay to the president and directors of the Alexandria and Crane Trace turnpike road company the sum of twenty dollars for each and every share of stock set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company; and when the president and directors shall be chosen as heretofore provided, they shall have full control of said books, and may cause the same to be opened, from time to time, until the stock shall be subscribed.

§ 4. That as soon as a majority of said commissioners shall be of opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders and hold an election for president and five directors, who shall hold their offices for one year, and until their successors are chosen: *Provided*, That should a vacancy occur, the remaining directors shall fill the same by appointment; and should the office of all the directors become vacant, the stockholders may call a meeting to elect their successors. The directors shall have power to appoint a secretary and treasurer; to require them to give bond for the performance of their duties.

§ 5. That said road shall not exceed thirty feet, but may be reduced to twenty at cuts and fills—mettle not less than nine feet in width; and when two and one half miles of said road is completed, the company may erect a gate or gates at such points as they deem proper, and charge the usual rates of toll, to be applied to the completion of said road.

§ 6. The provisions of the Revised Statutes regulating turnpike companies, and not inconsistent with the provisions of this act, shall be part hereof.

§ 7. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 943.

1868.

AN ACT to incorporate the Bethel and Owingsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a body-politic by the name of "the Bethel and Owingsville Turnpike Road Company," with power and authority to construct a turnpike road from Bethel to or in the vicinity of Owingsville, in Bath county, by any route which may be adopted by the president and directors thereof; and by that name it shall have perpetual succession, may contract and be contracted with, sue and be sued. The capital stock of said company shall not exceed twenty-five thousand dollars, in shares of fifty dollars; and at all elections each shareholder shall have one vote for each share held by him, which may be cast in person or by proxy.

§ 2. R. M. Burbridge, Saml. Rogers, W. N. Smoot, W. D. Boyd, and Joseph Wilson, or any two of them, as commissioners, may open books and receive subscriptions to said capital stock at any time and place, until the whole is taken, or sufficient to construct the proposed road. As soon as twenty-five hundred dollars of said stock has been subscribed, the acting commissioners shall give in writing, posted at Bethel and Owingsville, and three other places along the route, notice of a meeting of the stockholders, to elect five directors to manage the affairs of said company, who shall hold their office for one year, and until their successors are duly elected and qualified.

§ 3. Said directors shall organize by electing one of their number president, who shall hold office until the next election of directors. They may elect and remove at pleasure a secretary and treasurer, and all other necessary officers, and take bond from them for the faithful discharge of their duties. Said president and directors may make all necessary by-laws and rules, and fix the time for the annual election of directors, the first being within one year, locate the road, fix the grade and width thereof, contract for the construction thereof, and locate the toll-gates thereon.

§ 4. They may locate the road on any public highway, and when not so located, may acquire land for the location thereof, and the toll-houses and materials for the construction thereof, according to the provisions of the Revised Statutes, title "Turnpike and Plank Roads."

§ 5. As soon as three miles of said road are completed, they may erect a toll-gate and charge for the distance traveled the same rates of toll the Maysville and Mt. Sterling turnpike road are permitted to charge; and if the entire distance completed shall exceed five miles, they may erect another gate and charge in the same way, or

1868. may charge at the one in proportion to the entire distance. The act incorporating said Maysville and Mt. Sterling turnpike road is made a part hereof, and all its provisions, and of all amendments thereto, are made applicable to the corporation hereby created, as fully as if set forth herein at large, except so far as inconsistent herewith.

§ 6. The county court of Bath county may subscribe stock in said road on the same terms, to the same extent, and in the manner it is by law permitted to subscribe to the capital stock of other turnpikes.

§ 7. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 944.

AN ACT to amend the Charter of the Alexandria and Flag Springs Turnpike Road Company, in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky

§ 1. That the charter of the Alexandria and Flag Springs turnpike road company be so amended as to increase the capital stock of said company to thirty thousand dollars.

§ 2. That the said company have the time extended to complete said road to the first day of December, 1874.

§ 3. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 945.

AN ACT to establish a new road from the Hopkinsville road to Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. C. Holland, Thos. Nichols, jr., and Terry Tharp, of Lyon county; Wm. Luster, Peter Baker, and John Grasty, of Trigg county; W. C. Holland, P. Palmer, and W. Waller, of Marshall county; B. B. Risenhoover, John Mason, and W. M. Gilbert, of Graves county; Harvey Lander, Dr. Wooldridge, John R. Green, of Christian county, or any two of whom from each county, be, and they are hereby, appointed commissioners, and authorized and directed to select a suitable route and locate a road, commencing at some point between Hopkinsville and Cadiz, on the State road leading from Hopkinsville to Columbus, and running thence the nearest and most practicable route to Mayfield by the way of Birmingham and Benton. They, and the county courts of the counties in which the road may be located, shall be governed by the general laws of this State regulating the manner of open-

1868.

ing and establishing roads, except as otherwise herein provided. And should two or more of said commissioners from the same county refuse or fail to act, it shall be the duty of the county court of that county to appoint others. Said commissioners shall cause the route selected by them to be plainly marked, and shall make a report in writing to each county court of the county through any part of which the road may be located, designating therein fully and explicitly the route and ground over which the road shall pass.

§ 2. That upon the return of said report to said courts, the route therein designated shall be, and is hereby, established a State road; and it shall be the duty of each county court to lay off the road in such county into convenient precincts, and appoint surveyors and allot hands to each, to open, clear, and put the road in good condition, not less than twenty feet wide.

§ 3. Said commissioners, in their report, shall also designate the streams and places where bridges are necessary; and the county court of the county in which the same is situated shall cause proper bridges to be made.

§ 4. Said commissioners shall be allowed and paid by the county courts of their respective counties two dollars per day each for each day they may be necessarily engaged in surveying and locating said road.

§ 5. Said commissioners may locate any part of said road on any county road.

§ 6. The commissioners shall not be required to report the names of the owners or proprietors of lands through which the road passes, nor shall the county courts be required to have such owners or proprietors summoned; but any such owner or proprietor may, within three months after the return of the report of the commissioners, and not afterwards, apply for and procure a writ of *ad quod damnum*.

§ 7. If the commissioners from the other counties shall determine that the proposed road shall leave the Hopkinsville and Columbus State road at any point in Trigg county, then the said commissioners residing in Christian county will not act, nor be authorized to take part or to have any voice in the location of said proposed road.

§ 8. This act shall take effect from its passage.

Approved March 7, 1868.

1868.

CHAPTER 946.

AN ACT to amend an act incorporating the "Hustonville and Nealy's Gap Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the "Hustonville and Nealy's Gap Turnpike Road Company" be so amended as to authorize and empower the president, directors, and company of said road to call out and require all the shareholders in said road to work on said turnpike road, in repairing the same, at least four days in the year: *Provided further*, That said shareholders may employ at their own expense other hands to work in their stead and place the number of days in the year herein specified and required.

§ 2. That notice shall be given by the president of said road, or some person appointed by him, to such shareholders of said road embraced by this act, of time and place required of them to work on said road, at least five days before the time of working, specifying the number of days said shareholders are required to work.

§ 3. This act to take effect when ratified by a majority of the stockholders in number and amount of stock.

Approved March 7, 1868.

CHAPTER 947.

AN ACT to incorporate the Massie's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created under the style of "The Massie's Mill Turnpike Road Company," for the purpose of constructing an artificial road from the Paris and North Middletown turnpike to Massie's Mill, in Bourbon county, with such capital stock, divided into shares of fifty dollars each, as may be necessary to construct the same.

§ 2. Henry C. Buckner, A. Coleman Bedford, Jas. L. Woodford, William Woodford, and E. F. Clay, or any two of them, as commissioners, shall receive subscriptions to said capital stock at any time and place they may choose, until the whole is taken.

§ 3. Said commissioners shall constitute the board of directors of said company for one year, and until their successors are elected and qualified; they shall make provision for the election of their successors; and at all elections each shareholder shall cast, either in person or by proxy, one vote for each share held by him; they shall choose one of their number as president, and such other

officers and employees as may be necessary, and remove them (except the president) at pleasure.

1868.

§ 4. The said company may acquire all necessary land and materials necessary for the construction and operation of the road as prescribed by the Revised Statutes; and when the road is completed erect a toll-house and charge such rates of toll as by its charter the said Paris and North Middletown turnpike road company is allowed to charge. The charter and amendments thereto of said last named road, except so far as inconsistent with this act, shall apply to the corporation hereby created as fully as if set forth at large herein.

§ 5. The county court of Bourbon county may subscribe to said capital stock as provided in the act applicable to said county regulating subscriptions for said county, to turnpike roads therein.

§ 6. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 948.

AN ACT to incorporate the Flatwoods Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of building a turnpike road, commencing at a point in the Alexandria and Persimmon Grove turnpike road, at or near William Byrd's, and ending at the county line near Mary Dakins'.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, may be increased or diminished at the pleasure of said company, to be divided into shares of twenty dollars each, and shall be assignable on the books of said company.

§ 3. The books of said company shall be opened by William Byrd, James Reardin, William Caldwell, John Rhoukenhous, who are hereby appointed commissioners for that purpose, at such times as they may deem proper; they shall insert in said subscription book an obligation, as follows: "We, whose names are hereto subscribed, severally promise to pay to the president, directors and company, of the Flatwoods turnpike company the sum of twenty dollars, for each share of stock set opposite to our names, in such manner, and at such times, and in such proportions, as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this day." When the sum of fifteen thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners named

1868.

in this section to give notice, in such manner as they may think proper, of a meeting of the stockholders, at such time and place as the notice may specify, for the purposes of electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall continue in office for one year, and until their successors be elected and qualified. The time and place after the first election shall be fixed by the president and directors; a majority of the board shall be competent to do business.

§ 4. Said company shall be a body-politic and corporate, in fact and in law, by the name and style of the Flatwoods turnpike road company, with all the privileges and franchises incident to a corporation.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, and the width of that part thereof to be covered with stone or gravel; designate the place of erecting toll-gates; may fix the rates of toll, not to exceed the rates prescribed by the general law; shall have power, after two miles and one half shall be completed, to erect a gate and collect toll, and apply the same to the completion of said road.

§ 6. Said board shall, in all other respects, in condemning land, obtaining the right of way, giving notice of calls on stock, electing treasurer and other officers, be governed by the law of the charter of the Alexandria and Persimmon Grove turnpike company; and to that extent said charter is adopted and made a part of this charter.

§ 7. This act to take effect from and after its passage.

Approved March 7, 1868.

CHAPTER 919.

AN ACT to incorporate the Walton and Frazee Turnpike Road Company, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company incorporated, and corporate powers.

§ 1. That a body corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of "The Walton and Frazee Turnpike Road Company, in Mason county;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

Route of road.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road in Mason county, from a point on the Maysville and Bracken turnpike road, at or near where the old dirt road leaves said turnpike, and running with or near the line of said

dirt road to the farm of Samuel Frazee, and thence the most practicable route, to intersect with the Minerva and Dover turnpike at or near Minerva.

1868.

§ 3. The capital stock of said company shall not exceed twelve thousand dollars, to be divided into shares of fifty dollars each.

Capital stock.

§ 4. Books for the subscription of stock in said company may be opened at any time within one year after the passage of this act, at any place or places selected by the commissioners hereinafter mentioned, or those acting, under the supervision of John H. Walton, Samuel Frazee, John M. Walton, William Bradberry, and Joseph T. Frazee, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign the following obligation, viz: "We, whose names are hereto subscribed, hereby obligate ourselves to pay to the president and directors of 'The Walton and Frazee Turnpike Road Company, in Mason county,' fifty dollars for each share of stock in said company hereby subscribed by us." The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscriptions shall be made in a book in which said obligation may be written. But said commissioners, or those acting, or the said company, after it is organized, may receive subscriptions of stock in said company on conditions, which conditions shall be expressed in writing in any such subscriptions; and said subscriptions shall be valid and binding on the conditions therein stated. And said commissioners, or those acting, or said company, after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property, which shall be valid and binding; and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered on the demand of said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

Commissioners to open books for subscription of stock.

Obligation of subscribers.

Additional subscriptions may be received.

§ 5. The Mason county court may subscribe stock in said company, not exceeding one thousand dollars per mile, payable on the completion of each mile.

Mason county court may take stock.

§ 6. As soon as fifteen hundred dollars is subscribed to the stock of said company, it may be organized. And to this end, the commissioners acting shall give ten days' notice to the subscribers of stock, by written notices posted up at three or more public places in the vicinity of said road, of the election of officers of said company, which shall be five directors, one of whom shall be chosen president by the directors. The time and place of such election shall be stated in said notices. After the first election of

When company may organize.

1868. — How stock voted. said officers, the elections thereafter for same shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of said commissioners, or those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering the same, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during any year before the regular annual election, the remainder of the directors may, if they deem it necessary, fill the vacancy.
- First election. President and directors to take oath.
- Vacancies.
- Books may be kept open until all stock is taken.
- May appoint treasurer, clerk, &c. To give bond.
- § 7. The said company, after it is organized, may keep the books open for additional subscriptions of stock in said company until all is subscribed.
- § 8. The president and directors may appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure. Said treasurer and clerk shall give bond, with good security, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties; and shall also take an oath to faithfully perform their duties; which bond, and the certificate of such oath, shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road, and its maintenance afterwards; also, gate-keepers and such other employees as they may deem necessary.
- May pass by-laws.
- § 9. Said president and directors shall have power to pass any by-laws, rules and regulations, for their own government, and the government and conduct of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act or with the constitution of this State or of the United States.
- May locate and let out road.
- § 10. Said president and directors may have said road located, and may let out for construction any portion of said road as soon as two thousand dollars of stock is subscribed, or may do so after additional subscriptions are received; and they may go on letting out for construction and completing said road, as the subscriptions of stock to said company may, in their opinion, justify them in so doing. So soon as two and a half miles of said road are completed, they may erect a toll-gate, and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general laws of this State regulating tolls on turnpikes, except that if the whole length of said road when completed is not as much as five miles, they shall still have power to charge the
- When may erect gates.
- Rates of toll.

same toll as if it was five miles long, if, in their discretion, they think it proper. And they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

1868.

§ 11. The said company may receive releases of right of way for said road, and ground for toll-house and rock quarries, by consent or purchase; and if they deem it necessary, they may, by proceedings instituted in conformity with the existing laws of this State on the subject of turnpike and plank road (Revised Statutes, chapter one hundred and three), condemn land for right of way for said road, for toll-house and rock quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose according to law as aforesaid.

May receive releases of right of way.

§ 12. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

Width of road.

Penalty for obstructing road.

§ 13. Said president and directors shall prescribe in what installments the subscriptions of stock shall be paid. They may borrow money for the use of said company, not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

How stock to be paid.

May borrow money.

§ 14. This act shall take effect and be in force from its passage.

Approved March 7, 1868.

CHAPTER 950.

AN ACT authorizing the County Court of Crittenden to change the State Roads leading from Princeton to Weston and Ford's Ferry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Crittenden shall have power to change and alter the State roads leading from Princeton to Weston, commencing on the bank of the Ohio river, in the town of Weston, running thence with Cedar street in said town to the corporate limits; thence on a straight line until it intersects the present road.

1868.

§ 2. That said court shall also have power to change and alter the State road leading from Princeton to Ford's Ferry, commencing in the bottom beyond M. A. Shanks' house; thence to the edge of the river bottom; thence turning to the right, so as to keep on ground above high water, to the town of Ford's Ferry.

§ 3. Before said court shall make said changes, it shall appoint commissioners to view out said proposed changes, and report to court, and shall, in all other respects, be governed by the provisions of the Revised Statutes concerning roads, so far as the same are applicable.

§ 4. This act to take effect from its passage.

Approved March 7, 1868.

CHAPTER 951.

AN ACT for the benefit of H. I. Todd.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That time until the 15th day of March, 1869, be allowed to H. I. Todd, to pay his rent as Keeper of the Kentucky Penitentiary for the year 1868: *Provided*, His securities enter their assent in writing (within sixty days of the passage of this act) thereto before the Auditor of Public Accounts: *Provided*, That he, on or before the 1st day of April, 1868, execute bond, with security to be approved by the Governor, for the payment of the rent fixed at \$16,000 per annum by the act of March, 1867, on or before the expiration of the term for which this extension provides, and that his present sureties be not released, and agree in writing to this extension.

§ 2. This act shall take effect from its passage.

Approved March 7, 1868.

CHAPTER 953.

AN ACT to confer upon Catherine C. Sayre all the rights of an Unmarried Woman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Catherine C. Sayre, of Franklin county, Kentucky, shall have the right to exercise all the privileges of an unmarried woman, without incurring any of the pains and penalties now prescribed by law for marrying within one year after the rendition of a decree for divorce in favor of her late husband.

§ 2. This act to be in force from its passage.

Approved March 7, 1868.

CHAPTER 954.

1868.

AN ACT to incorporate the Iron Hills Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Matt. Ellis, Walter Hunnewell, Joseph Pratt, Horace W. Bates, Ed. F. Dulin, and Win. C. Ireland, and their associates and successors, be, and they are hereby, created a body-corporate, for the purpose of constructing, maintaining, and operating a railroad or tram-road, by horse or steam-power, from such a point or points as they may select, on or near the iron property, in Carter county, known as the Owen's tract, lying near and westerly of Tygert's creek; thence running to, and connecting with, any railroad now built or to be built in this State, or directly to such a point on the Ohio river as they may select.

§ 2. The capital stock of said company shall be one hundred thousand dollars (\$100,000), divided into shares of ten dollars (\$10) each; and the said capital stock may be increased, from time to time, by a majority of the stockholders in said company, until it reaches a sum not exceeding five hundred thousand (\$500,000) dollars, as may be prescribed by the by-laws of said company.

§ 3. The company shall have power to make such by-laws, rules and regulations, as it may choose for the proper management and maintenance of its road, not inconsistent with the laws of Kentucky or of the United States.

§ 4. The company may construct branch railroads from their main tract to any furnace or mines of coal or iron within the counties of Carter, Lewis, or Greenup.

§ 5. The company shall have the privilege of adopting and using a corporate seal; of suing and being sued, in its corporate capacity; of purchasing in fee or renting such real estate as may be necessary for its legitimate operations; and to perform and do all such other acts as a proper person might legally perform in carrying out the objects of the said company.

§ 6. The company shall fix its own tariffs for freight and passengers, subject to such general laws of this Commonwealth as now exist or may hereafter be enacted; and may obtain, by voluntary agreement with the owners, the right of way and the necessary land for stations, side-tracks, depots, and other purposes, which may be required for the proper construction, maintenance, and operation of said road, and also the necessary materials for the making and repairing of the same; and if the right of way, lands, and materials cannot be so procured, the company may have the same condemned and pay for the same in the manner required by chapter one hundred and three

1868. of the Revised Statutes of Kentucky, title "Turnpike and Plank Roads."

§ 7. Said road, when built or completed and put in operation, shall be assessed for taxation at its true value, in the several counties through which it may pass, to the extent it may be in each county; and the taxes paid to the collectors of taxes in the several counties in which it and its branches may be, any law to the contrary.

§ 8. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 955.

AN ACT to incorporate the Citizens' Insurance Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That James Trabue, Thos. L. Jefferson, John Barbee, N. Bloom, Saml. Ullman, Lyttleton Cooke, B. F. Guthrie, A. O. Brannin, James M. Bryant, W. A. Robinson, Henry Chambers, Bird Levi, J. S. Smyser, Thos. J. Tapp, E. L. Hefferman, and W. L. McCampbell, together with their associates, successors, and assigns, be, and are hereby, appointed and made a corporation and body-politic, under the name and style of the Citizens' Insurance Company of Kentucky; and shall continue until the first day of January, 1900; and by that name are made capable in law to have, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, tenements, rents, goods, chattels, public and private securities of any kind, quality and nature, whatsoever, including shares of the capital stock of this corporation, not exceeding at any one time the amount of the capital stock of said corporation and its accumulated profits; and to sue and be sued, and plead and be impleaded, answer and be answered, defend and be defended, in all courts and places whatsoever; and to make and use a common seal, and the same to alter or change at pleasure; also to ordain, establish, and put in force and amend such by-laws as may be necessary for the government of said corporation, not contrary to the laws of this Commonwealth.

Capital stock.

§ 2. The capital stock of said insurance company shall not exceed the sum of five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Books for subscription of stock may be opened.

§ 3. The corporators named in this act, or any five of them, may, at such time and place in the city of Louisville as may suit their convenience, open books of subscription to the capital stock of said corporation, and when one thousand shares shall have been subscribed for, they shall call a meeting of the subscribers, at which meeting ten

dollars in money shall be paid upon each share subscribed for; the company shall then be organized, after which the remaining ninety dollars upon each share shall be secured by the notes of the subscribers, bearing six per cent. interest, secured to the satisfaction of the president and board of directors, and payable in monthly installments until paid; and if any person or company subscribing for shares of stock of said insurance company shall fail to pay the ten dollars on each share at the time and place such payment is to be made, such stock may be disposed of by sale or otherwise; and if, at any time, any shareholder shall fail to pay any call upon his note for unpaid installments, or shall refuse or neglect to give a note, with security satisfactory to the president and board of directors, the stock of such shareholder shall be forfeited thereby, the company accounting for the proceeds of sale thereof, first deducting all claims for calls or other claims against such stockholder by the company

1868.

Calls on stock.

§ 4. The board of directors may, in their by-laws, prescribe the manner in which the capital stock of this company shall be increased, but in no event shall it exceed the sum of five hundred thousand dollars.

Capital stock may be increased.

§ 5. The corporate powers of this company, given under and by virtue of this act, shall be vested in, and exercised according to the provisions of this charter by, a board of fifteen directors, a majority of whom shall be citizens of Kentucky, and each of whom shall possess, in his own right, at least ten shares of the capital stock of this corporation.

In whom corporate powers vested.

§ 6. An election for directors shall be held at the first meeting of the subscribers. The directory then elected shall continue in office until their successors are elected. Every subsequent election for directors of this company shall be held on second Monday in January, at the office of the company, in the city of Louisville, due notice of which shall be given by publication in one or more newspapers published in said city; said elections to be held under the direction of two or more inspectors, to be appointed by the board of directors; but neither of said inspectors shall be a director or officer of the company. Said elections shall be by ballot and by a plurality of votes of the stockholders and their proxies, allowing one vote for each share of stock; and upon all questions submitted to the stockholders for decision the same rule as to voting the stock shall apply.

Election of directors.

§ 7. The board of directors, within one week after this company shall by law be authorized to commence business, and thereafter within one week after each annual election of directors, shall elect by ballot one of their number who shall be their president and the president of this

President to be elected.

1868.

Other officers
to be appointed

corporation, and shall at the same time fix his compensation. They shall also elect such officers and agents as may be necessary for the transaction of the business of the company, fix their salaries, and prescribe their duties, and may require from any officers bond, with security, in such sum as they may deem adequate. A majority of the whole number of directors shall be a quorum for the transaction of business.

When to com-
mence business

§ 8. Whenever the sum of ten thousand dollars in cash has been paid by the shareholders, and the further sum of ninety dollars on each share subscribed has been secured as hereinbefore provided, the president and board of directors shall have full power and authority, in the name and behalf of the said company, to make all kinds of marine and fire insurance and re-insurance on property, of any and every kind, within the United States or elsewhere, on the general conditions of marine and fire insurance, or upon particular principles and conditions designated in the policies issued by the said Citizens' Insurance Company.

May invest in
real estate.

§ 9. It shall be lawful for this company to invest its capital, and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on unincumbered improved real estate within the Commonwealth of Kentucky, worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company, and also in the stocks of this State, or stocks or treasury notes of the United States, and also in the stocks and bonds of any county or incorporated city in this Commonwealth authorized to be issued by the General Assembly, and to lend the same, or any part thereof, on the security of such stocks or bonds, or treasury notes, or upon bonds and mortgage as aforesaid, and to change and re-invest the same as occasion may from time to time require; and any surplus money, and the paid up capital of said company, may be invested in or loaned upon the pledge of the public stock or bonds of the United States or of this State, or the stocks and bonds of any solvent dividend-paying institutions incorporated under the laws of this State or of the United States, except their own stock: *Provided always*, That the current market value of such stocks or bonds shall be at all times, during the continuance of such loans, at least ten per cent. more than the sum loaned thereon.

Semi-annual
condition of
company to be
made.

§ 10. Semi-annually each year, a fair and clear statement of the affairs of the company shall be made out and exhibited to the stockholders, and a dividend of such portion of the profits be made as a majority of the president and board of directors may decide; and the president and

board of directors may also declare such dividends to the policy-holders in said company, out of any surplus profits resulting from its business, as they may see fit; but in no case shall the capital stock be diminished.

1868.

§ 11. The fiscal year of this company shall commence on the first of January in each year, and terminate with the 31st day of December in each year. The regular or stated meetings of this company shall be held on the first Monday in January and July of each year; but meetings may be called by the president, or upon the application of five directors, at any time.

Fiscal year—
when to com-
mence.

§ 12. The form of certificates of shares and manner of transfers shall be regulated by the by-laws of the corporation, and a lien is hereby created in favor of the corporation, on the stock of each shareholder, for any claim that the company may have for the unpaid part of his or her shares or other debts due or arising to said company.

Form of cer-
tificate.

§ 13. Should any election, directed to be held under the charter of said company, from any cause be neglected to be held on the day designated, or to be held on a subsequent day, the corporation shall not, from that cause, be dissolved; but any and all elections made in good faith, shall be held and deemed valid, as if held on the day designated by the act of incorporation.

Corporation
not to be dis-
solved if elec-
tion not held at
time designated

§ 14. The principal office for the transaction of the business of the corporation shall be in Louisville, Jefferson county, Kentucky; but the president and board of directors may establish agencies or branch offices, in this State or elsewhere, if deemed necessary by them.

Principal office.

§ 15. If any director shall cease to be a stockholder, his office shall thereupon be vacant.

§ 16. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 957.

AN ACT to amend the Charter of the Kentucky Land Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act to amend the charter of the Southern Mining, Manufacturing, and Trading Company," approved on the twentieth day of February, eighteen hundred and sixty-eight, and by which the name of said company was changed to that of the "Kentucky Land Company," be, and the same is hereby, amended as follows, to-wit: That the words "or other property" be, and the same are hereby, inserted immediately after the word "land," wherever the same

1868.

contained in said bill, that the same will read "land or other property."

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 93.

AN ACT to incorporate the "Louisville Democratic Club."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Thomas L. Jefferson, James S. Lithgow, James Bridgeford, M. A. Downing, Boyd Winchester, W. N. Haldeman, T. E. C. Brinly, F. C. Welman, John S. Cain, W. K. Thomas, R. K. White, Henry Dent, Norvin Green, J. Fry Lawrence, and Lyttleton Cooke, together with those who may associate with them, and their successors, are hereby created a body-politic and corporate, by the name and style of the "Louisville Democratic Club;" and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and change, alter, and renew the same at will; and shall have such other rights and powers as are usual and incident to corporations, or which may be deemed convenient and desirable, provided the same are not contrary to law.

May acquire lands, &c.

§ 2. That the said club is hereby authorized and empowered to receive, lease, purchase, or otherwise acquire, and to possess, use, occupy, enjoy, and control as a natural person, such lands, tenements, goods, chattels, and other things as may be deemed convenient and desirable, and may sell and dispose of the same at any time or in any manner.

May open books for a description of stock.

§ 3. The persons named in the first section of this act, or such of them as may choose to act, may open books for the enrollment of the names of persons as members of said club, at such times and places, and subject to such rules and regulations, terms and conditions, as they may deem proper; and when as many as one hundred names are enrolled, they may call a meeting of the persons whose names are enrolled, for the purpose of electing a board of managers for said club, who, when elected, shall have control of the money, property, and affairs of said club; said board of managers shall organize by electing one of their own number president of the club; and they may elect, appoint, or employ such other officers and servants as may be deemed desirable, and prescribe their duties; and may take from any or all of them bonds in such penalties, con-

Board of managers—when elected.

President & other officers to be appointed.

ditioned for the faithful and honest performance of their respective duties, as may be thought necessary; and upon any bonds thus taken recovery may be had for breaches of the conditions thereof.

1868.

§ 4. That the president and managers of said club may enact and put in force, for the management and government of said club, and the conduct of its business and affairs, such constitution and by-laws as they may deem proper, and may alter, amend, or repeal the by-laws at will; but no change in the constitution, after one shall have been adopted, shall be binding until ratified by a majority of all the members of the club.

May adopt
constitution
and by-laws.

§ 5. That annual elections for a board of managers for said club, to consist of as many members as the constitution may prescribe, shall be held on the first Monday in February of each year; and said elections shall be held in accordance with the provisions and requirements of the by-laws: *Provided, however,* That no by-law regulating any such election shall be altered or changed for at least thirty days preceding the same; and all by-laws relating to elections of managers shall be published in the democratic newspaper having the largest *bona fide* circulation, for at least seven days next preceding all such elections.

Annual elec-
tions.

§ 6. That the board of managers for said club shall have and may exercise all lawful power and authority necessary for an efficient management and government of the property, business, and affairs of said club.

§ 7. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 959.

AN ACT to incorporate the Hopkinsville Warehouse and Inspection Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby established and incorporated, by the name of the Hopkinsville Tobacco Warehouse and Inspection Company. Gano Henry, E. D. Seebree, S. W. Henry, and their successors and assigns, shall be a body politic and corporate; and by such name may sue and be sued, plead and be impleaded, contract and be contracted with; may purchase, lease, enjoy, and hold, to themselves and their successors, lands, tenements, goods, and securities, as may be necessary for owning, erecting, and carrying on a public warehouse, at or near the railroad depot at Hopkinsville, Christian county, Kentucky. Said company may use their said house for the inspection and sale of tobacco and the other products of the country;

1868.

and may also receive and store and forward, for a commission, said products or other things, merchandise, &c.: *Provided*, That the receiving and forwarding shall not interfere with the inspection, sale, and storage of the products of the country; and said house may be used for the sale of farming implements or any other article or merchandise, so that the same shall not interfere with the inspection, sale, and storage of the country products. Said corporation may have and use a common seal, but contracts, witnessed by the president's signature, for any corporate transaction, shall be binding on the corporation. The president and directors may make such by-laws as may be necessary for the management of said house and the conducting of storage, inspection, sale, and commission business transacted in said house, not contrary to the laws of this Commonwealth and such regulations as the Legislature may have enacted.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of one hundred dollars each, with liberty to increase the same, from time to time, as the necessities of the company may require.

§ 3. The corporators may open books for the subscription of stock in said company; when five thousand dollars of the capital stock of the company is subscribed, they shall call a meeting of the stockholders, giving ten days' notice, for the election of three directors, one of whom shall be president; a majority of the directors shall be a quorum to do business. They shall appoint such other officers as they may deem necessary, and have the right to fill vacancies in their own body until the regular meeting, which shall be fixed by the by-laws. The president and directors, or a majority, shall have the power to lease said house and premises for such terms as they may deem advisable.

§ 4. The Christian county court may establish the rates of inspection, cooperage, and storage charges, &c., and shall appoint two inspectors yearly who are not stockholders of the company, and fill vacancies; which inspectors shall be duly sworn faithfully to discharge the duties of their office without partiality or prejudice. The directors shall appoint a weigher, who shall be sworn as the inspectors. In case of a failure of the county court to establish the rates above named, then the president and directors may do so; and, when the rates are established, they shall not be lessened until the expiration of the lease, if any.

§ 5. And the said stockholders and their successors shall be a body politic and corporate as hereinbefore prescribed; and said president and directors may, from time to time,

have the subscription books opened until the whole stock is taken.

1868.

§ 6. This act to take effect from and after the date of its passage and approval.

Approved March 9, 1868.

CHAPTER 960.

AN ACT to incorporate the Paducah Iron Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created and established, in the city of Paducah, a body politic and corporate, for thirty years, by the name of the "Paducah Iron Manufacturing Company," with power and authority in that name to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and defend, in all courts and places as a natural person; and may have and use a common seal, and change, alter, abolish, and renew the same at will; and may do such acts and things as may be deemed expedient and proper for the successful management of its property, business, and affairs, provided the same are not contrary to the laws of this Commonwealth or the provisions of this charter.

§ 2. The property, business, and affairs of said corporation shall be under the direction, management, and control of a board of directors, to consist of not less than three nor more than nine stockholders, as the by-laws may, from time to time, regulate and prescribe; and Henry Enders, Joseph Johnson, W. G. Bullitt, G. Langstaff, and any others whom they may think proper to choose, not exceeding the limit above prescribed, are hereby constituted and appointed a board of directors for said corporation, to serve as such until the first election by the stockholders, and until others are elected and qualified; and the said board of directors shall provide in the by-laws for the annual elections of a board of directors, after one year from the first organization of the corporation; and the board of directors shall always hold their offices until their successors are duly elected and qualified; and in all elections for directors, each stockholder shall be entitled to one vote for each share of stock he or she may own, and may cast the same in person or by proxy; and the board of directors may provide a form for the appointment of proxies, and specify the evidence that shall be required in execution thereof.

§ 3. The board of directors shall elect one of their own number president of the company, and may elect or appoint, in any manner they may think proper, such other

1868.

officers, agents, and servants, as they may think necessary, to conduct and carry on the business and affairs of said corporation, and pay them such sums as salaries and wages, and take from them such bonds to secure from them the faithful performance of their respective duties, as they may think proper and reasonable; and upon any bonds thus taken, recovery may be had for breaches of the conditions thereof; and the board of directors are hereby authorized and empowered to enact and put in force, from time to time, such rules, by-laws and regulations, for the management and government of said corporation, its property, business, and affairs, as they may deem advisable, and alter and amend and repeal the same at pleasure; and they are also hereby authorized and empowered to fill all vacancies occurring in the board between the annual elections.

§ 4. The capital stock of said corporation shall consist of not less than one hundred nor more than five thousand shares, of the par value of fifty dollars each, as may [be] regulated and prescribed, from time to time, by resolution or by-law; and the persons named in the second section of this act may open books for, and receive subscriptions to, the capital stock of said corporation, at such times and places, and subject to such terms and conditions, as they may deem advisable; they may prescribe in the subscriptions what failure shall authorize a forfeiture of the stock subscribed for; the shares shall be personal estate, and transferable on the books of the corporation according to its by-laws; but the corporation shall hold a lien on the shares of any stockholder who may be indebted to it; and such shares shall not be sold and transferred until such debt shall be paid or discharged.

§ 5. The business of said corporation shall be to manufacture iron, to mine iron, to mine coal, or any other mineral, of any character whatever, which the directors may deem conducive to the interest of said corporation; said corporation is authorized and empowered to acquire, by lease or purchase, and hold, possess, occupy and enjoy, such real and personal property, not exceeding in value fifty thousand dollars, and such goods and chattels, materials, and other things, as may be convenient and desirable for the transaction of its business, and may use and dispose of the same in any manner, as a natural person.

§ 6. This act shall take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 963.

1868.

AN ACT authorizing a settlement of accounts with Sidney S. Lyon, late Assistant State Geologist.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that Sidney S. Lyon, late Assistant Geologist under David D. Owen, for the State of Kentucky, has in his possession certain property belonging to this State, and is asserting a claim against this State for services rendered as assistant geologist, and is asking a settlement of his accounts; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of this State be, and is hereby, authorized to appoint a competent commissioner to settle the accounts of said Sidney S. Lyon, and receive, and may dispose of such property, or any part thereof, in the possession of said Lyon, as may be surrendered by him; and when said settlement is examined and approved by the Governor, he shall certify the same to the Auditor of Public Accounts, who shall draw his warrant upon the Treasurer of this State for any unpaid remainder that may be found to be due to said Lyon on said settlement.

§ 2. This act shall take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 964.

AN ACT enabling the Citizens of Warren County to take steps inducing the location of the State Capital in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Warren county may order a poll to be opened at all the voting precincts of said county at any time, authorizing the voters of said county to vote upon any question or proposition proposing the location of the State Capital in said county; and upon said order being made, the officers of elections in said county shall cause said poll to be opened in conformity to said order.

§ 2. That the trustees of the town of Bowling Green may order a poll to be opened, and an election held at any time in said town, authorizing the voters of said town to vote upon any question or proposition proposing the location of the State Capital in said county of Warren; and upon said order being made, the officers of elections in said town shall cause said poll to be opened in conformity to said order.

1868.

§ 3. Before any election shall be held or poll opened for the purpose set forth in sections one and two, notice thereof shall be given by two or more publications in some newspaper published in said county.

§ 4. That upon said election, if a majority of those voting shall be in favor of any proposition as determined by said vote, made with the view of inducing the location of the State Capital in said county, in that event the county court of said county, and also the trustees of said town, shall cause an order to be made and entered upon their records in conformity to said vote; and in conformity to said vote and order, said court, on the part of the county, and said trustees by their chairman, on the part of said town, shall, at the first session of the Legislature of Kentucky thereafter, memorialize said Legislature, and make propositions to said Legislature in pursuance of said vote and order, with a view of inducing the permanent location of the State Capital in said county in case of the adoption of a resolution to move it; which propositions, if accepted, shall be as obligatory upon said county and town as a contract.

§ 5. That said court and said trustees may appoint commissioners for the purpose of receiving subscriptions and devising means by which said location may be effected in case of removal of said Capital; and any donation or subscription made for that purpose shall be obligatory as a contract.

§ 6. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 966.

AN ACT for the benefit of the Heirs of Solomon Hart, deceased.

WHEREAS, Solomon Hart, late a resident of the city of Louisville, who was an alien by birth, and was not a naturalized citizen of the United States, died in this State intestate, leaving no widow or lawful issue surviving; and whereas, the said Solomon Hart, at the time of his death, held, was the owner of, and entitled to real and personal estate, within this State; and whereas, the said Solomon Hart left next of kin who are citizens of the United States, to whom his estate would have descended at his death, by and according to the laws of this State, if he had been a citizen of the United States; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the next of kin of the said Solomon Hart, deceased, who are citizens of the United States, shall be, and they are hereby, invested with all the rights, interests,

and benefits, in and to his real and personal estate, and in the same proportion that such next of kin would have been entitled to the same by the laws of descent of this State, if the said Solomon Hart had been a citizen of the United States and of this State at the time of his death.

1868.

§ 2. That this act take effect from its passage.

Approved March 9, 1868.

CHAPTER 967.

AN ACT for the benefit of Messrs. Faran & McLean.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Messrs. Faran & McLean, for the sum of eighty-four dollars in full, for advertising the Governor's proclamation ordering a special election in the Sixth Congressional District in August, 1866.

§ 2. That this act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 968.

AN ACT for the benefit of O. Waddill, of Hopkins County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and is hereby, directed to draw his warrant upon the Treasurer in favor of Otway Waddill for the sum of twenty-six dollars and forty cents.

§ 2. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 969.

AN ACT for the benefit of Simon Humphrey.

WHEREAS, It appears to the satisfaction of the General Assembly of the Commonwealth of Kentucky that James Callahan, for the year 1865, listed his taxable estate in the county of Nelson and also in the county of Jefferson, and paid the taxes on the same in the county of Jefferson, and which has been paid into the Treasury of this State; and the sheriff of Nelson county, not knowing this fact, accounted for and paid the same into the Treasury of this State, and is now without any legal remedy; therefore,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant upon the Treasurer of this State for the sum of ninety-four dollars in favor of Simon Humphrey, sheriff of Nelson county, that being the amount so paid by him into the Public Treasury.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 970.

AN ACT for the benefit of B. E. Puyear.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Emmett Puyear, whenever he shall have procured a diploma from any regular and authorized law college within the State of Kentucky, or a certificate of qualification to practice law from any two circuit judges in this Commonwealth, as now provided by law, shall be authorized to practice law in all the courts of this Commonwealth, although he may not be twenty-one years of age; and that the said Puyear shall be amenable to, and governed by, all the laws of this State in regard to the practice of law the same as if he was of lawful age.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 971.

AN ACT for the benefit of John Mackoy, of Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant upon the Treasury in favor of John Mackoy for one hundred and ninety-eight dollars and ninety-two cents, and the same shall be paid by the Treasurer to said Mackoy in full discharge for supplies furnished for State troops while in camp in Harrison county under Col. Buckner, in 1861.

§ 2. This act to take effect from its passage.

Approved March 9, 1868. •

CHAPTER 972.

1868.

AN ACT for the benefit of Willie M. Gorin.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for any two of the judges of this State now allowed to license attorneys at law, to grant to Willie M. Gorin a license to practice law, notwithstanding his minority; and he shall be competent to contract and be contracted with, and vested with all the civil rights, and subject to all the penalties of a man twenty-one years old.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 973.

AN ACT for the benefit of Hugh F. Finley, Commonwealth's Attorney.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer in favor of Hugh F. Finley, Commonwealth's Attorney, for the amount to which he is entitled by law, without deduction, from the time he entered upon the discharge of the duties of said office after his election in August last.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 974.

AN ACT for the benefit of the Sheriff of Pulaski County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. M. Hail, sheriff of Pulaski county, be allowed further time to return his delinquent list, and that he is hereby released from paying the damages on a judgment against him in favor of the Commonwealth for the revenue due the State for the year 1867: *Provided*, The said Hail or his sureties shall, on or before the first day of June, 1868, pay the principal, interest, and costs of said judgment.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 975.

AN ACT for the benefit of B. F. Howard, Sheriff of Magoffin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. F. Howard, sheriff of Magoffin county, be, and he is hereby, released from the payment of damages included against him in a judgment in favor of the Commonwealth for the revenue of 1867: *Provided*. He shall pay the principal, interest, costs, and attorney's fees, of said judgment, on or before the first day of June, 1868.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 976.

AN ACT for the benefit of Thos. Cook, Sheriff of Clay County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Cook, sheriff of Clay county, have until the first day of June, 1868, to pay the balance of the revenue due from him to the Commonwealth: *Provided*, *however*, This act shall not take effect until the securities of said Cook assent to the same in writing before the county court clerk.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 977.

AN ACT for the benefit of Benoni Mills, late Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Benoni Mills, late sheriff of Wayne county, be allowed further time till the first day of June, 1868, to pay in the balance now due on judgment from said sheriff to the Commonwealth; and when, on or before said first day of June, said sheriff shall have paid into the Treasury, or by paying and otherwise shall have settled all of said debt, and paid the interest and costs of suit therein, he shall be released from the payment of damages assessed against him by reason of judgment having been taken: *Provided*, That his securities give lawful consent hereto.

§ 2. That said sheriff be allowed till the first of June, also, to return and receive credit for his delinquent lists for the years 1865 and 1866.

§ 3. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 978.

1868.

AN ACT for the benefit of Thomas J. Jolly, late Sheriff of Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from the first day of January, 1868, is allowed to Thomas J. Jolly, late sheriff of Breckinridge county, to distrain for and collect any unpaid taxes or fee bills due said Jolly during his term of office as sheriff aforesaid, subject to all the penalties now prescribed by law for illegal distraint.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 979.

AN ACT for the benefit of the Deputies and Legal Representatives of James A. Hambleton, deceased, as late Sheriff and County Clerk of Breckinridge County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from the first day of January, 1868, is allowed to the deputies and legal representatives of James A. Hambleton, deceased, late clerk of the Breckinridge county court, and also late sheriff of said county, to distrain for and collect any unpaid taxes or fee bills due said Hambleton during his term and service as clerk and sheriff aforesaid, subject to all the penalties now prescribed by law for illegal distraint.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 980.

AN ACT for the benefit of Wm. J. Eaton, late Constable of Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. J. Eaton, late constable of Whitley county, have the further time of two years to list, distrain for, and collect his uncollected fee bills: *Provided, however,* That all laws now in force in regard to listing and collecting illegal fee bills apply to him.

§ 2. This act shall be in force from its passage.

Approved March 9, 1868.

1868.

CHAPTER 981.

AN ACT for the benefit of B. Callaway, late Sheriff of Harlan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ballinger Callaway, late sheriff of Harlan county, be, and he is hereby, released from all damages upon a judgment against him in the Franklin circuit court, for the revenue of Harlan county for the year 1866: *Provided*, The said Ballinger Callaway pays the principal, interest, costs, on said judgment by the first day of June next, otherwise he shall not have the benefit of this act.

§ 2. This act shall be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 982.

AN ACT to amend an act, entitled "An act to amend and reduce into one the acts to incorporate the Town of Flemingsburg, in Fleming County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the first section of an act, entitled "An act to amend and reduce into one the several acts to incorporate and regulating the town of Flemingsburg," approved 4th of February, 1867, be, and the same is hereby, so amended as to extend the corporate limits of said town one half mile from the court-house; the same, when extended and laid off, to be square in form. But nothing in this amendment shall be so construed as to authorize the trustees of said town to levy or impose taxes upon any lands used and occupied by the owners or tenants as farming lands, nor to release any lands or lots heretofore included in the limits of said town.

§ 2. That section twenty of the act to which this is an amendment be so amended and construed as to subject for taxation all such property as is now subject to taxation under the present revenue laws of this State, except to banks and bankers who pay taxes and licenses as such.

§ 3. That an act to amend an act to amend and reduce into one the several acts incorporating the town of Flemingsburg, approved March 7th, 1867, be, and the same is hereby, repealed.

§ 4. This act to take effect from and after its passage.

Approved February 9, 1868.

CHAPTER 983.

1868.

AN ACT for the benefit of the citizens of London, closing an alley and to open up another street.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the alley twenty feet in width, running parallel with Main street, in the town of London, Laurel county, as lies back of lots Nos. 1, 2, 3, 22, 23, 26, 27, and 30, is hereby ceded to, and vested in, the respective owners of said lots, except so much of said alley as lies back of the fractional lot owned by H. G. Letton, which is ceded to, and vested in, W. H. Jackson.

§ 2. That the trustees of said town are hereby authorized and required, in lieu of said alley, to open a street sixty feet in width, to run from the southeastern boundary of said town to west cross street, and to run parallel with, and four hundred and twenty feet from, Main street.

§ 3. That the street hereby authorized to be opened shall be called and known as Hill street.

Approved March 9, 1868.

CHAPTER 984.

AN ACT to amend the Charter of Whitesville, in Daviess County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Whitesville, in Daviess county, be empowered, and are hereby authorized, to grant coffee-house license in the limits of said town, and tax each of them in a sum not exceeding twenty-five dollars, in addition to the State tax; and the money arising from said license shall be paid into the town treasury. They shall have the power at any time to suspend, indefinitely or for a limited period, any coffee-house license they may grant, whenever they may be satisfied that the coffee-house-keeper has permitted unlawful gaming in his house or on his premises, or has allowed any disorderly or indecent conduct to be practiced or committed in his house or on his premises: *Provided*, That no license shall be suspended until said coffee-house-keeper shall have at least five days' notice, and has been permitted to show cause, if any he can, why his license should not be suspended.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 985.

AN ACT to release the title of the Commonwealth, &c., to a House and Lot in Versailles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all right or title which exists now, or may hereafter vest in the Commonwealth of Kentucky, or the trustees of the Woodford County Seminary or Academy, in and to a lot and house in the town of Versailles, conveyed on the 27th of August, 1850, by Sarah B. Slaughter and her husband, to trustees, for the use of the New School Presbyterian Church of Versailles, is hereby released to said Sarah B. Slaughter and her heirs forever.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 986.

AN ACT to incorporate the Town of New Concord, in Calloway County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of New Concord, in Calloway county, be, and the same is hereby, incorporated, the boundary of which shall be as follows, to-wit: Beginning in section eighteen, township one, range six east, at a white oak at A; thence north seventy and one half, east thirty-seven poles, to a Spanish oak at B; thence north one half, west forty-three poles, to a stump at C; thence north thirty-six, west one hundred and thirty-one poles, to a stake at D; thence south fifty-two and one half, west seventy-five poles, to a peach-tree at E; thence south six and one half, west seventy-two poles, to a red oak at F; thence south seventy-five, east ninety-nine poles, to the beginning, according to a plan and survey made by S. T. Coleman, January 17, 1868.

§ 2. That there shall be elected, by the qualified voters of said town, five trustees, any three of whom may form a board to transact business, and who shall, before entering upon the discharge of their duties, take the oaths prescribed by the Constitution and laws of this Commonwealth, which may be administered by any officer authorized to administer oaths.

§ 3. That said trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of "The Board of Trustees of the Town of New Concord," and by that name shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all

1838.

the courts of this Commonwealth. They shall have power and authority to make any by-laws for the regulation and government of said town, not inconsistent with the Constitution and laws of this Commonwealth and the United States. They shall have power to assess and collect annually an *ad valorem* tax of not exceeding fifty cents on each one hundred dollars' worth of property, real and personal, in said town, which, when collected, shall be a fund to be expended on the streets, alleys, and sidewalks, or other necessary improvements in said town, for the well being of the citizens thereof. It shall be the duty of said trustees to keep in good repair the streets, alleys, and thoroughfares of said town, and open, alter, or repair such alleys and streets within said town limits as they may deem proper.

§ 4. Said trustees shall have power to elect from among themselves a chairman and clerk, but who shall, nevertheless, retain their right to vote in all deliberations, and shall keep a complete record of all their proceedings, which shall at all times be open to the inspection of the citizens of said town and county and all persons interested.

§ 5. The first election of trustees of said town shall be held on the first Monday in May, 1868, at which time there shall be elected a police judge, treasurer, and marshal. The first election is hereby authorized to be held by Cyrus Owen, P. A. Stilley, and C. D. Boaz, or any two of them, who shall return the poll-books to the county court clerk's office of said county, there to be kept and used, and in the manner as prescribed by law; and their certificates of election shall be given to each of the officers named in this section, and shall be evidence thereof.

§ 6. That after the first election, the general laws as applicable to towns in this State shall apply to the town of New Concord; and said officers shall hold their office until the next election under the general law, and until their successors are qualified.

§ 7. It shall be the duty of the treasurer to execute bonds, with good sureties, payable to the trustees of said town, for the faithful discharge of his duties, and take the oaths prescribed in section two herein; and then it shall be his duty to receive and collect and hold all money for the use and benefit of said town, and disburse and pay out the same upon the order of the board of trustees of said town, and to account to his successor for all money in his hands as such treasurer, and pay the same to him.

§ 8. That said police judge and marshal shall reside and keep their offices within the limits of said town; and the judge shall be commissioned by the Governor, and each of them shall, before he enters on the duties of his office, take the oaths prescribed in section two herein; and the mar-

1868.

shall shall, at the first county court of Calloway county after he shall have received his certificate of election, enter into bond with good security, payable to the Commonwealth, conditioned to discharge faithfully and impartially all the duties required of him by law, and may be sued upon, from time to time, by any person feeling himself aggrieved. Said bond shall be kept and filed away in the county court clerk's office by the clerk thereof.

§ 9. A police court is hereby established in the said town of New Concord, which shall consist of the said police judge and marshal, who shall have the same qualifications, and the marshal the same powers in his district, and be entitled to the same fees as the police judge and marshal of the town of Murray, in said county. Said police court shall have the same jurisdiction, subject to the same law of appeals, as the police court of the said town of Murray. The police judge shall have the same powers, and be entitled to the same fees, and subject to the same liability of the police judge of the town of Murray, as prescribed in an act, entitled "An act to amend an act incorporating the town of Murray, Calloway county," approved February 16th, 1858.

§ 10. The trustees of said town shall have power to grant coffee-house license, and tax the same not less than seventy-five dollars nor more than one hundred and fifty dollars. And it shall be the duty of the board of trustees, as soon after their election and qualification as may be, to fix the amount of said tax by an order on their records, and, on the first day of January of each year, the tax for the ensuing year; and upon presentation and payment of the tax so fixed, by any person or persons, a license to keep a coffee-house for one year shall be issued and signed by the chairman and countersigned by the clerk of the board. *Provided*, That the applicant shall take the oath or oaths and execute the bond, in the manner now required of coffee-house keepers and retailers of ardent spirits; and for a violation of such oath or bond, the offender shall be subject to all the penalties prescribed by law.

§ 11. The taxes named in this act, with the fines and forfeitures imposed by said judge, shall be collected by the marshal and paid over to the treasurer, and shall be appropriated as prescribed in section three, or for the purchase and improvement of a public burying-ground for said town.

§ 12. This act to take effect from its passage, the Commonwealth reserving to itself the right to repeal, alter, or modify the same.

Approved March 9, 1868.

CHAPTER 987.

1868.

AN ACT to amend an act reducing into one all the acts relating to the Town of Stamping Ground, in Scott County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election for town trustees, police judge, and marshal of said town, shall be held on the first Monday in April in each year.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 988.

AN ACT to amend the Charter of the Town of Greenupsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That jurisdiction is hereby conferred upon the county judge of Greenup county to try and determine any case for violations of the by-laws and ordinances of the town of Greenupsburg, or violation of the penal laws of the State, committed within the corporate limits of said town, with the same rights, powers, and jurisdiction, as are conferred upon the police judge of said town by an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg," approved February 16th, 1866.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 989.

AN ACT to authorize the County Courts of Powell and Estill Counties to Levy an additional Tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county courts of the counties of Estill and Powell be, and they are hereby, authorized to levy and collect a capitation tax, not exceeding three dollars, upon each tithe, and an *ad valorem* tax of not exceeding seventy-five cents upon each one hundred dollars' worth of taxable property in the said counties respectively; the same to be used in paying for construction of public buildings and defraying other necessary expenses.

§ 2. That the presiding judges of the said county courts may cause the justices of the peace to be summoned and assembled, at such time as they may designate, for the purpose of levying the tax herein authorized.

1868. § 3. That this act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 990.

AN ACT to authorize the Judge of the Kenton Quarterly Court to appoint a Special Agent to execute Process.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of the county of Kenton be, and is hereby, authorized to appoint a special agent to serve for any and all courts he may hold in the city of Covington, under any of the acts heretofore passed, empowering him to hold courts in said city; said agent to hold his office for the term of four years, and until his successor is appointed and qualified; and to have the same power to serve and execute any process issued by said judge that constables now have, and to be governed in the performance of his duties in all respects by the laws now in force in reference to constables, and shall be liable to the same process, pains and penalties, for failure or neglect of his duties, that constables now by law are liable. It shall be his duty to attend faithfully upon all the courts of said judge in said city.

§ 2. That the said officer, before entering upon the performance of the duties of said office, shall take the oath required of constables, and file in the office of the county court of said county, at Covington, a bond with good surety, with the same conditions as are now required by law of constables; the said bond to be approved in the same manner as constable's bonds are now required by law.

§ 3. Said officer shall receive for any services he may perform the same fees that may be allowed to constables.

§ 4. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

§ 5. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 991.

AN ACT to amend an act, entitled "An act to incorporate the Flemingsburg and Mt. Carmel Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Flemingsburg and Mt. Carmel Turnpike Road Company," approved February 29th, 1848, be, and the same is hereby,

so amended so that the provisions of section seven of an act, entitled "An act to incorporate the Carlisle and Sharpshurg Turnpike Road Company," approved February 26th, 1847, shall apply to, and regulate the election of, the president and directors of said company; and the votes cast for the election of said officers shall be cast and recorded by the stockholders at each election, as provided in said section seven of said act.

1868.

§ 2. That this act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 993.

AN ACT to incorporate the Shelbyville and Harrisonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, to construct a turnpike road from a point on the Shelbyville and Mt. Eden turnpike road to the town of Harrisonville, Shelby county, Kentucky, under the name of the Shelbyville and Harrisonville Turnpike Road Company; and by that name may sue and be sued, may plead and be impleaded, contract and be contracted with, and have and use a common seal, and may alter, change, or amend the same at pleasure.

§ 2. That the capital stock of said company shall be twenty-five thousand dollars, to be divided in shares of one hundred dollars each; and when fifteen thousand dollars of stock has been subscribed, the board may proceed to locate and commence work on said road. And, if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the president and directors may increase it to such amount as they may deem necessary, and open subscriptions therefor in such ways as to them may seem best.

§ 3. That George Smith be appointed president, and A. M. Offutt, Harmon Cardwell, Froman Fry, James Hackworth, and C. T. Shepherd, directors of said company, to carry this act into effect, who, before entering upon the discharge of their duties, shall go before some justice of the peace and make oath that they will faithfully perform the duties of president or directors, as the case may be, without favor or affection, to the best of their judgment. Upon the qualification of the president and directors, they shall appoint a treasurer and such other officers as they may deem necessary, who shall hold their offices at the pleasure of the board of directors appointing them.

1868.

§ 4. That said company shall have the power to make all the necessary by-laws and rules for its government, not inconsistent with the constitution and laws of this State.

§ 5. That an election for president and directors of said company shall be held annually, at such time and place as may be fixed upon in the by-laws; and the stockholders in such election shall have the right to cast their vote by written proxy.

§ 6. That the president and directors shall keep a record of their proceedings in a well-bound book, which shall be at all times acceptable to each and every one of the stockholders for inspection, upon application to said board.

§ 7. That said road shall be opened at least thirty feet, or wider, if necessary, but not to exceed fifty feet, and shall be graded not exceed ——— degrees, and at least eighteen feet wide, where the ground will admit of such grade and width.

§ 8. That when said road shall be opened and graded for any distance thereof equal to five miles, it shall be lawful for said company to erect a gate or gates upon the same, and collect for the travel on said road one half of the rates of toll usually collected on finished turnpike roads, and at the same rates for any greater distance of said road, as soon as the same shall be opened and graded as aforesaid; and, whenever said road shall be paved with stone or macadamized with stone or hard gravel at least twelve feet wide, then said company shall have full power to charge and collect full toll for so much of said road as may be completed; and, when all of such road shall be completed, then said company shall have full power to charge and collect such rates of toll.

§ 9. That the president and directors of said company may take and use any timber, earth, gravel, stone, or other material necessary for the construction or repair of said road or any of its works, and may, for the purpose aforesaid, either by themselves or agents, or those with whom they may contract, enter upon, use, and excavate any such material as may be wanted for the building or repair of said road, or for the erection of buildings necessary for its construction or repair: *Provided*, Such damages shall be first paid to the owners thereof as may be assessed by a jury, under a writ of *ad quod damnum* issued by the Shelby county court, as in other cases provided.

§ 10. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 995.

1868.

AN ACT to incorporate the Augusta and Germantown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, created, under the name and style of the "Augusta and Germantown Turnpike Road Company," which shall be a body politic and corporate, for the purpose of constructing a turnpike road, on the McAdam's plan, from such a point at Germantown to Augusta as a majority of the stockholders may select, in and along the most practicable route, but with the privilege of connecting with any other road leading into Augusta.

§ 2. The capital stock of said company shall be fifteen thousand dollars, which may be increased not to exceed twenty-five thousand dollars, divided into shares of fifty dollars each.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of James A. Hackley, Dr. John A. Coburn, Thomas Lloyd, Isaac Pollock, Evan Lloyd, James W. Armstrong, Jos. Doniphan, and Vachel Weldin, any one of whom may procure a book or books, in which the subscribers of stock to said road company shall enter into the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the Augusta and Germantown Turnpike Road Company the sum of fifty dollars for every share set opposite to our names, in such manner and at such times and in such proportions as shall be required by the president and directors of said company."

§ 4. That the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, and 15th sections of an act, entitled "An act to incorporate the Augusta and Dover Turnpike Road Company," approved March 9th, 1867, be, and is hereby, made a part of, and applicable to, this company as a part of its charter.

§ 5. That this act shall take effect on its passage.

Approved March 9, 1868.

CHAPTER 996.

AN ACT to fix and regulate the Tolls at the Gate of the Muldrough's Hill Turnpike Road and Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the rates of toll of the Muldrough's Hill and Rolling Fork Bridge Company, at the gate on said road near the Rolling Fork bridge, in Marion county, shall be as follows and no more: For every horse or mule and

1868.

rider, ten cents; for a horse, mule, or jack, led or driven, five cents; for each head of cattle, three cents; for each head of hogs, one cent; for each head of sheep, one half cent; for each vehicle drawn by one horse or mule, twenty cents; for each vehicle drawn by two horses, mules, or oxen, thirty cents; for each pleasure carriage or hackney coach, drawn by two horses or mules, forty cents; for same when drawn by four horses or mules, sixty cents; for each sleigh drawn by one or two horses or mules, twenty-five cents; for each wagon drawn by three horses, mules, or oxen, fifty cents; for same drawn by four animals, seventy-five cents; for same drawn by five animals, ninety cents; for same drawn by six animals, one dollar; empty wagons having no other loading than provender for the team, shall pay only half these rates; for each stage coach having seats within for six passengers, fifty cents; for each coach having seats within for nine passengers, sixty cents; for all such coaches having seats for more than nine passengers, seventy-five cents. Neighborhood traveling or hauling: for each wagon or cart drawn by two animals and loaded with nothing but the produce of the farm, for a trip going and coming, fifty cents; for same drawn by three animals, sixty cents; for same drawn by four animals, seventy-five cents; for same drawn by five animals, ninety cents; for same drawn by six animals, one dollar.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 997.

AN ACT to incorporate the Augusta and Mt. Zion Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, created, under the name and style of the "Augusta and Mount Zion Turnpike Road Company," which shall be a body politic and corporate, for the purpose of constructing a turnpike road on the McAdam's plan, from such point at Augusta to the farm of Squire Hardy as a majority of the stockholders may select.

§ 2. The capital stock of said company shall be twelve thousand dollars, which may be increased to fifteen thousand dollars, divided into shares of fifty dollars each.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of Wm. McCane, Squire Hardy, T. F. Marshall, Wm. Orr, sr., and James W. Armstrong, any one of whom may procure a book or books, in which the subscribers of stock to

said company shall enter the following obligation: "We, whose names are hereunto subscribed, do respectively promise to pay to the 'Augusta and Mount Zion Turnpike Road Company' the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportions, and at such times, as shall be required by the president and directors of said company." 1868.

§ 4. The 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, and 15th sections of an act, entitled "An act to incorporate the Augusta and Dover Turnpike Road Company," approved March 9th, 1867, be, and is hereby, enacted as a part of this act, and made applicable hereto.

§ 5. That this act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 998.

AN ACT to enable Warren County to construct Macadamized and other Roads in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter one hundred and third be, and is hereby, amended as follows: That when any plank, macadamized, or gravel road company, in said county, shall have a subscription of as much as five hundred dollars per mile of said road subscribed, they may, upon petition filed in the county court of said county, stating the prominent facts in relation to said road, procure an order, which shall be made by said court, appointing three commissioners, who shall be competent and disinterested freeholders in said county, who shall assess the amount of benefit to each tract of land within two miles of such road, on both sides and ends thereof; and it shall be the duty of the sheriff of said county to execute said order upon said commissioners by delivering to each of them a copy thereof, which shall be made, certified, and delivered by the clerk of said court to said sheriff for that purpose; and said assessors shall take an oath faithfully to perform their duty under the law before beginning their work.

§ 2. It shall be the duty of said assessors to give notice of the time and place when they will meet, to act in performance of their duties, by written notice posted at the court-house door in said county, and at as many as three places along said road, for at least ten days before they hold said meeting, and shall also give notice of the same by two weekly insertions in some newspaper published in said county; and said commissioners shall commence their said work of notice, &c., without unnecessary delay. It

1868.

shall be the further duty of said commissioners to view the line of said road, and all the lands within two miles on each side and end thereof, in said county, and to make a true list thereof, and to assess the amount of benefit and increased value of said lands resulting thereto by reason of the construction of said road, and taking into consideration the convenience and advantage of said road to said lands and to the owners thereof. Said commissioners shall report said lists, accompanied by a written report of their acts performed in the discharge of their duty to said court, verified by their oath that said report contains the true facts and assessment made according to the best of their knowledge and ability, which report, together with the order appointing said commissioners, shall be kept of record by said court in the clerk's office thereof.

§ 3. After said assessment shall have been made and recorded as aforesaid, upon application made by said road company to said county court, it shall be the duty of said court to make an order directing the sheriff to collect said assessments at the time and in the manner that he collects the taxes of the county, in three annual installments, neither of said installments to exceed one third of the amount assessed; and it shall be the duty of said sheriff to make said collections subject to and under the orders of said court: *Provided*, That if it should be made to appear to the satisfaction of said court that the whole amount assessed will not be required to complete said road, then the court may, by order, prescribe a less amount, to be collected from each assessment in proportion to each amount assessed: *And provided further*, That if the whole amount should not be collected in installments as aforesaid, it may afterwards be collected under order of said court, if required to complete or keep in repair the road; and said assessment, made and recorded as aforesaid, shall be a lien upon the lands so assessed, and shall so continue until the whole amount assessed shall have been paid, or until it shall have been determined by order of said court, upon report made by said company that no further amount is necessary to be collected for the purpose aforesaid; and it shall be the duty of said company to make such report to the court whenever the facts may justify it; and when made, the court shall make an order suspending any further collection: *Provided*, That all collections made upon said assessments shall be equal as to each party assessed in proportion to the amounts assessed.

§ 4. Any person having subscribed and paid any such company any sum of money, shall be entitled to a credit for same on his assessment as it falls due for collection; and in order to a fair settlement, such company shall furnish to the clerk of the county court a list of the

amounts paid by such persons, which shall be deducted from the assessment list furnished the sheriff.

1868.

§ 5. Any person having paid such assessment, or any part thereof, shall thereby become entitled to a certificate of stock for and have all the rights and privileges of a stockholder in said road.

§ 6. Any person feeling aggrieved by any such assessment may appeal from same, and from the action of the county court to the circuit court of the county in which the assessment is made, and shall, on said appeal, have the right of jury trial of the whole facts, as in other cases of appeal to the circuit court; and for the better satisfaction of the jury, they may be permitted by the court to view the land and premises assessed, and to reassess the same, which shall be final.

§ 7. This act shall apply to any road or road company heretofore established or organized in said county.

§ 8. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 999.

AN ACT to incorporate Bullskin and Middletown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Bullskin and Middletown turnpike road company, for the purpose of building, owning, and controlling a turnpike road, or other artificial road, from the intersection of the Smock road and Smithfield turnpike road, in Shelby county, to Twelve Mile House, on the Shelbyville and Louisville turnpike road, in Jefferson county. The capital stock of said company may be fifty thousand dollars, and may be taken and subscribed in shares of fifty dollars each.

§ 2. That books for the subscription of stock shall be opened at such times and places as agreed upon by commissioners hereinafter named: *Provided, however,* That said books shall be opened, in the year 1868, under the supervision and direction of T. H. Wise, Henry Yager, Wm. Harris, and John Todd, or any two of them. The subscribers of stock shall sign their names in a book to an obligation as follows: "We, whose names are hereto subscribed, do severally promise and undertake that we will pay to the president and directors of the Bullskin and Middletown turnpike road company fifty dollars for each share of stock annexed to our names respectively, at

1868.

such times and places as they may call for it. As witness our hands this — day of —, 18—.” The said commissioners, or two of them, shall give public notice at said intersection, by written advertisement, and at such other places in said counties as they may deem proper, at least ten days, of the time and place of opening said books for said subscription of stock, and may continue to receive subscription to said capital stock, from time to time, till all is taken.

§ 3. That whenever five thousand dollars of said stock is subscribed, said commissioners, or any two of them, shall give public notice thereof in writing at said intersection and counties, calling the stockholders at such place as they may direct, on some day not more than ten days thereafter; and, when they shall be so assembled, or a majority of the stock present by representatives, they shall proceed to elect one of themselves president of said company, one treasurer, and one secretary, and five directors; each of them, before entering upon the duties of his office, take an oath before a justice of the peace that he will faithfully and to the best of his judgment perform the duties of his office; which oath, and the taking thereof, shall be recorded by said secretary on the book of said board. The said officers shall hold their offices for one year and until their successors are qualified. No one shall hold either of said offices unless he is a stockholder; and each share of stock in said road shall be entitled to one vote in the election of said officers. The treasurer shall give bond, payable to said president and directors, with good security, other than the directors, conditioned to faithfully do and perform the duties of his office in preserving and paying over the funds of said company according to law. The said president and directors shall be a body corporate and politic, under the name and style of the Bullskin and Middletown turnpike road company; and by that name may sue and be sued, plead and be impleaded; and may have and use a common seal; and shall have perpetual succession; and may do and perform all things that such corporate bodies can do, not inconsistent with the laws and Constitution of the State.

§ 4. The president and directors, as well as the said treasurer and secretary, shall hold their office, after being chosen as aforesaid, for one year, and until their successors are chosen and qualified: *Provided*, That any one of these same persons may be re-elected: *And provided further*, That if at any time a vacancy occur, it may be filled by the said president and directors, or such of them as may yet be in office. And on the first Saturday in April, 1869, and each year thereafter, the stockholders shall assemble at such place as the president and directors may direct,

which shall be done by written notices posted in three places on said line or road, and elect a president and five directors, who shall qualify and be vested with all the power and duties aforesaid. A majority of the said directors, with or without the presence of the president, may transact and do business as if all were present. The secretary shall hold the election for president and directors, and show it all faithfully, with everything else done by the board, on the record of the corporation. Each order and minute of the company shall be signed by the president and attested by the secretary. Said company, through its president and directors, shall make its own rules and regulations for carrying on its business; and, as a corporate power, is vested with full power and authority to carry them out, so far as they are not inconsistent with the Constitution and laws of the State.

§ 5. The said company may buy and have conveyed to the corporation in fee, or may receive by gift or donation, in fee or for a limited time, or by *ad quod damnum*, lands for toll-house and lot to same, and any lands necessary for their road-bed, not exceeding thirty feet in width; and they may improve the same as they please for bettering the convenience of travel on said road; and whenever they shall have so much as two and one half miles of continuous turnpike road, or otherwise made solid and firm, of stone, wood, or gravel, completed, not less than fourteen feet wide, the president and directors of said road shall have the right to erect a gate thereon and charge half toll at the same.

§ 6. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1000.

AN ACT for the benefit of Common School District No. 26, in Josh Bell County.

WHEREAS, It appears from the report of one of the trustees of common school district No. 26, in Josh Bell county, that there was a common school taught in said district, by a competent teacher, for the period of three months, in the year 1867, and that the number of children entitled to the benefit of said school, being residents of said district, was fifty-one; and no money having been drawn out of the Treasury for said district for said year, by reason of the removal of two of the trustees from said district, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of Rufus M. Moss, one of

1868. the trustees for common school district No. 26, in Josh Bell county, for the year 1867, for the sum of forty-one dollars, to be paid out of any part of the Common School Fund not otherwise appropriated, to be applied to the payment of the teacher who taught said school.

§ 2. This act shall be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1001.

AN ACT in relation to the Sale of Real Estate under Execution in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be lawful for the sheriff of Kenton county to make sales of real estate under execution at the door of the court-house, in the city of Covington; on the first and third Saturdays in each month, after advertising the same as now required by law: *Provided, however,* That if the real estate levied upon is situated outside of the city of Covington and outside of the first and second justices' districts of the county of Kenton, the defendant in the execution shall have the right to require the sheriff, in writing, at the time the levy is made, or at the time he is notified thereof, to make the sale at Independence.

§ 2. That this act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1002.

AN ACT to establish two additional Justices' Districts and Voting Precincts in Morgan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and there is hereby, established, two additional justices' districts and voting precincts in Morgan county, and that the voting place in said precincts shall be fixed at the following places: One at the residence of Shelby Wilson's residence, and the other at the Blackwater Meeting-house, in said county; and the county judge of said county is hereby authorized and empowered to fix the boundaries and lines of said districts; and he shall cause to be held an election for two justices of the peace and one

constable in each one of said districts, which election shall be held at the next general election. **1868.**

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1004.

AN ACT to amend an act, entitled "An act to amend an act authorizing the appointment of persons to serve process in the Justices' Court of the City of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act authorizing the appointment of persons to serve process in the justices' court of the city of Louisville," approved March 9th, 1854, be, and the same is hereby, so amended as to apply to the county of Jefferson.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1006.

AN ACT to amend an act, entitled "An act to amend the Charter of the City of Louisville," approved February 17th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fifth section of an act, entitled "An act to amend the charter of the city of Louisville," approved February 17th, 1866, be, and the same shall stand, repealed, so soon as the general council of said city shall issue, in addition to those already issued, by authority of said section of said act, bonds to the amount of one hundred and fifty-four thousand dollars, the proceeds of which shall be expended in the construction of sewers in said city; and no other issue of the bonds of said city shall ever be made under the provisions of said act other than as herein specified.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1008.

AN ACT amending the eleventh section of the fifth article of the Charter of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, from and after the passage of this act, nothing in the charter of the city of Louisville, nor any amendment

1868. thereto, shall be construed to authorize the city court, or any officer thereof, to imprison in the work-house of said city persons accused of indictable penal offenses prior to trial and conviction; but persons so accused or charged shall, in default of giving bail, be confined in the jail of Jefferson county, for which the jailer shall be entitled to the same compensation from the city as he is now entitled to from the Commonwealth for prisoners under indictment in the Jefferson circuit court for felonies: *Provided*, That nothing in this act shall be so construed as to prevent the city court of Louisville from incarcerating any prisoners of the class referred to in the act in the city work-house, or in any of the station-houses of said city, without obligation to labor.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1000.

AN ACT to amend the Charter of the City of Louisville, authorizing issue of bonds to defray expenses in building a new Jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the several acts incorporating the city of Louisville, and acts amendatory thereof, be, and the same are hereby, so amended, that said city may issue and sell, on the order of the mayor and board of aldermen and common council of said city, the bonds of said city, having thirty years to run, and bearing a rate of interest not exceeding seven per cent. per annum, payable semi-annually, to an amount not exceeding one hundred and fifty thousand dollars, the proceeds of which shall be applied to the payment of such liability and expenditure as may be incurred by the city in the construction of a new jail, in co-operation with the county of Jefferson; and the said city council, in case of the issue and sale of such bonds, or of any part thereof, shall levy and cause to be collected annually, such taxes as shall be adequate to the payment of the interest and principal of such bonds as due when they become due; and such taxes shall be collected as other taxes are collected; and shall be assessed and levied upon the taxable property within the city, or upon such part of such property as said council may deem expedient.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1010.

1868.

AN ACT to extend the boundary line of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundaries of the city of Louisville shall be as follows: Beginning at low water mark on the Indiana side of the Ohio river, opposite the northwest line of the town of Portland; thence southwardly with the west line of Portland to the south line of Bank street; thence westwardly with Bank street two hundred and ten feet south thereof, to a point eight hundred feet west of the west line of the Shippingport road; thence southwardly parallel with said road to the south line of Jefferson street; thence eastwardly with Jefferson street to the west line of said Shippingport road; thence southwardly with said road to the south line of Oakland avenue extended, to a point two hundred and ten feet west of the west side of Seventh street; thence southwardly, and parallel with the west side of Seventh street, to a point two hundred and ten feet south of the south line of Shipp's avenue; thence southwardly, and parallel with said Shipp's avenue, to a point two hundred and ten feet west of Third street; thence southwardly, and parallel with Third street, to the south line of the House of Refuge land, and following the boundaries of said land to Shipp's avenue, at a point two hundred and ten feet east of Second street; thence northwardly, and parallel with Second street, to Mrs. Williams' south line; thence eastwardly, and parallel with the old boundary line, to a point southwardly of the point where said old boundary line strikes the south fork of Beargrass creek; thence northwardly to the point where said old boundary line strikes the south fork of Beargrass creek; thence with the meanders of said creek to a point two hundred and ten feet southwardly of where Stewart avenue, if extended, would strike said creek; thence eastwardly, and parallel with the south line of Stewart avenue extended, to a point two hundred and ten feet east of the centre line of Beargrass cut-off to the property of the Kentucky Institute for the Blind; thence with the boundary line thereof, leaving said property inside the city, until it strikes the aforesaid line of two hundred and ten feet east of, and parallel to the centre line of Beargrass cut-off extended; thence northwardly with said line, across the Ohio river to low water mark; thence with the meanders of said river, at low water mark, to the point of beginning.

§ 2. This act to take effect, and the boundaries therein provided for to be held as established, from the passage of this act.

Approved March 9, 1868.

1868.

CHAPTER 1011.

AN ACT for the benefit of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, to enable the city of Louisville to purchase the Louisville Gas Works, in accordance with the provisions of the eighteenth section of the existing charter of the Louisville Gas Company, the mayor of said city, under the direction of the general council, shall have power to issue and dispose of bonds of said city, payable at any time within thirty years from date (with coupons attached for the semi-annual payment of interest at the rate of eight per cent. per annum), to an amount sufficient to raise the necessary funds to make the purchase aforesaid; and to pay the principal of said bonds, and the interest thereon, as the same shall fall due, the general council of said city shall have power and authority to assess, levy, and cause to be collected, from time to time, an annual *ad valorem* tax of not exceeding twenty cents on each one hundred dollars' worth of property within the limits of said city, at the dates of the several assessments, subject to taxation for State purposes by the revenue laws of the State of Kentucky.

§ 2. And in case the city authorities aforesaid deem it proper, they are hereby further authorized and empowered to cause to be temporarily appropriated, out of the means of the sinking fund of said city, an amount sufficient to effect, in whole or in part, the purchase of said gas-works; if in part, the balance to be paid for by the issual and disposal, to a sufficient amount, of the bonds mentioned in the first section of this act; said amount so obtained from the sinking fund to be returned thereto with interest, and to be raised by a special *ad valorem* annual tax not exceeding twenty cents on each one hundred dollars' worth of taxable property in said city, to be by said general council assessed and levied on all property in said city, at the dates of said assessments, subject to taxation for State purposes, by [the] revenue laws of the State of Kentucky; the payment of the taxes mentioned in this and the preceding section to be secured by lien on the property taxed, and to be collectable in like manner as other taxes imposed by said city.

§ 3. And for the taxes mentioned in the first and second sections hereof, when paid, the tax-payer or his assigns, shall be entitled to stock in said gas works, and to certificates of such stock upon presentation of the tax receipts; said tax receipts and certificates to be transferable by indorsement thereon.

§ 4. When the city of Louisville shall have purchased the gas works, as herein permitted, the capital stock there-

of shall be divided into shares of one hundred dollars each; and the affairs of said gas works shall be managed by a president and seven directors, four of which shall be elected first by the general council of said city, by ballot, in joint session, and three elected by the stockholders; and said directors shall elect a president as soon as practicable. After the expiration of the first year in which the taxes aforesaid shall have been collected, and annually thereafter, the president and directors of said gas works shall be elected by the stockholders from among their number, each stockholder, including the city, to be entitled to the number of votes in proportion to the shares of stock held by each; and at all elections the stockholders may vote in person, or by proxy authorized in writing, and each share shall be entitled to one vote.

1868.

§ 5. The affairs of said gas works shall be managed by said president and directors, who may fill vacancies in their own board, and appoint such other officers and agents as may be required to conduct the business. The president and directors shall hold their offices until their successors are elected, and a majority of them shall constitute a quorum. From and after the purchase of said gas works, as herein permitted, the president and directors and stockholders shall have all the rights and powers, and be subject to all the duties expressed in the act incorporating, and in the various acts heretofore passed as to and concerning said Louisville gas works; and the various acts heretofore passed for the protection of the property of said gas works, and imposing penalties for injury to the works, or anything used in conducting the business, shall be held as being still in force, and applying to the gas works after said purchase, and as though the purchase had not been made.

§ 6 The general council of the city of Louisville are hereby vested with power and authority to pass such ordinances as to them shall seem proper, to afford any further or additional protection to said works, either in or out of the corporate limits of the city of Louisville: *Provided*, Such ordinances be not inconsistent with the constitution or laws of this State or of the United States.

§ 7. It shall not be necessary for any ordinances passed, as permitted by this act, to be submitted to, or approved of by, the vote of the voters of said city.

§ 8. This act shall take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1012.

AN ACT for the benefit of the City of Louisville, and to amend the Charter of said City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. From and after the passage of this act, should the mayor of said city, by reason of his absence from the city, or sickness, or other disability, be prevented from discharging, or unable to discharge the duties of his office, the president of the board of aldermen shall discharge the duties of the office of mayor during such absence, sickness, or disability, unless another person may be elected for that purpose by the general council by *viva voce* vote, in joint session. A meeting of the general council for the purpose of such election may be called either by the president of the board of aldermen or common council, on the written request of any five members of the general council; and said council shall allow such compensation to the mayor *pro tem.* as they may deem adequate for his services, not exceeding in proportion the salary of the regular mayor; and if they think it just, may order the amount so allowed to be deducted, either in whole or in part, from the salary of the regular mayor.

§ 2. The provisions of the eighth section, of article three, of the city charter, which requires the council to meet "regularly once in every two weeks," is hereby amended, by substituting the words "at least once," in lieu of the word "regularly."

§ 3. Section four, of article four, of said charter, is hereby amended by adding the words "or resolution," after the word "ordinance," at the close of said section.

§ 4. The validity of the city ordinances may be tried by a writ of prohibition from the judge of the Jefferson court of common pleas, with the right of appeal to the Court of Appeals by either party.

§ 5. Should the judge of the city court decide against the validity of any city ordinance, said decision, with the ordinance, shall, on request of the city attorney, be certified on the record, and the city of Louisville shall have the right, by appeal, to carry said decision for review direct to the Court of Appeals, or to the Jefferson court of common pleas; and thence to the Court of Appeals, if the city should so elect.

§ 6. All laws relating to the city of Louisville, directing the collector or receiver of taxes to levy on the personal property found in the city of the person owing the tax bill, or upon personal property belonging to any tenant of, and found in or upon any house and lot belonging to, the person owing the tax bill, for the taxes due on the property occupied by such tenant, are hereby so amended, that, in

order to preserve the lien for the taxes upon the property on which said taxes shall have been assessed, it shall not be the duty of the collector or receiver of taxes, nor shall he be required, to levy on personal property as aforesaid, unless he be in time and duly notified in writing by the proper party of there being such property, and unless, also, a full and proper opportunity be afforded him to levy thereon; nor shall the lien for said taxes upon the property on which the same may be assessed be destroyed, impaired, or affected in any degree, if the collector or receiver of taxes be at any time, or in any manner prevented, restrained, or denied the privilege of making the levy on personal property as aforesaid, and taking possession thereof.

1268.
§ 7. On and after the commencement of proceedings by the city in the city court of Louisville, to condemn property as now authorized by law, it shall be lawful for the city to require, and by rule of the court to compel, the owners or claimants of any of the property proposed to be taken to file in court a chain of their title and evidences thereof, and an accurate description of the location, metes and bounds of the property sought to be condemned, and so claimed by them. And when the finding of the jury shall be traversed in part, or the finding of the jury upon the matters traversed shall be taken to the Court of Appeals, the city shall not be compelled or required to elect as to taking any of the property sought to be condemned, until the traverse or appeal shall be tried and decided upon. It shall be lawful for the city to pay into said city court the amount adjudged by said court, upon the matters of condemnation of the property, which amount so paid shall be held subject to the orders of said court, and only be paid out under and in compliance with the orders of said court; and the clerk of said court, and the sureties on his official bond, shall be liable for all moneys paid into said court as herein permitted. It shall be the duty of said court to require adverse claimants of any part of the property condemned, or sought to be condemned, or of the money paid into court therefor, to interplead, so as fully to settle and determine their rights and interests according to justice and equity; upon which matters said court shall decide, and from the decision either party may appeal to the Court of Appeals, when the amount in controversy shall authorize such appeal under existing laws; but the right of the city to take and hold the property condemned, after payment into court of the amount assessed therefor by the jury, or adjudged by the court, shall not be affected or delayed by reason of any persons contesting with each other the right to said property, or the money allowed therefor. It shall also be the duty of the court, before giving leave to either party to withdraw from the fund in court allowed for the property claimed by

1868.

such party, to be satisfied whether such property is encumbered with any claim or right of dower, and until satisfied that such dower right has been duly released, or that no such dower right exists, to cause to be retained in court of the fund therein an amount sufficient to satisfy such claim for dower. Besides the modes now prescribed by law for releasing and conveying a dower right, it shall also be lawful, in cases for the condemnation of property before the city court of Louisville, for such dower right to be released and conveyed by deed duly acknowledged before the clerk of said court, and lodged for record in the office of said clerk, or by the dower claimant personally appearing in said court, there acknowledging and declaring the release, which declaration and acknowledgment shall be entered on the recorded minutes of the court, and shall be sufficient evidence of the conveyance and release of the right and claim of dower of such party, without the execution of a deed for that purpose. And whenever, for any cause, the court shall be of opinion that a refunding bond from either party should be required before leave is given to such party to withdraw the amount claimed by said party of the fund in court, it shall be the duty of the court to order the execution of such bond before granting leave to withdraw any part of the amount by such person. In proceedings by the city for the condemnation of property, the petition may be dismissed by the city as to all or any part of said property at any time before final judgment or order of the court therein, in which event the city shall have the right again to institute proceedings for the condemnation, for the same purposes, of the property as to which the dismissal was made; but unless by consent of parties, not until one year shall have elapsed after said dismissal.

§ 8. When, from any cause, the judge of the city court of Louisville, or the mayor of said city, fails to attend to hold court, the attorneys of the court who are present shall elect one of the members of the bar to hold the court, either for the day or for the trial of one or more cases to be called for hearing on that day, or until the regular judge or the mayor shall attend to hold court; in which latter case the judge so elected shall, if he demand it, be entitled to receive compensation for his service during the time he may serve as such, which shall be at the same rate as the salary of the regular judge. Should the judge so elected fail to qualify and act as such, or should he fail to preside during the whole time for which he was elected, another shall be elected for the balance of the time, who shall be entitled, if it be demanded, for his services for the time he may act as judge, as the other would have been entitled if he had served for the whole time for which he was elected. The clerk of the court shall certify to the

1868.

Auditor of the State, before the time of payment of the salary of the regular judge, as to the foregoing facts, and the amount of salary claimed and to be deducted. But no one shall be eligible as such judge who, or whose partner may be interested, directly or indirectly, in the matters over which said judge may be called on to preside.

§ 9. The general council of Louisville shall have power and authority to pass ordinances imposing fines, not exceeding \$100, for the punishment of any public offense committed within the limits of said city, amounting only to a misdemeanor, as well in cases where fines and penalties are or may be imposed by the statute laws of Kentucky for the commission of such offenses, as where no fine or penalty therefor is or shall be imposed by statute; and whenever a fine or penalty shall be imposed by the judgment of the court upon proceedings under or by reason of any of said ordinances, such judgment shall be a bar to any proceeding in the name of the Commonwealth to impose any fine or penalty for the same offense. In view of the power and authority granted by the provisions of this section it shall not be required for the judge of the city court of Louisville to have summoned or empaneled any grand jury for said court at the times as now provided by law; but the grand and petit juries, for hearing cases upon indictment or ordinance warrant in said court, may be dispensed with when, and at such times, as to the judge of said court may seem proper, and only be summoned and empaneled when, and for such time, as the judge of said court may direct, and be selected and summoned in such manner as said judge may order; but nothing herein shall be construed as dispensing with the trial by a petit jury, when a party is entitled thereto, unless the party consent thereto.

§ 10. Said council shall also have power and authority, whenever the public convenience or safety may, in their opinion, require it, to pass such ordinances as they shall, from time to time, deem expedient, imposing fines and penalties to prohibit hogs, cattle, horses, dogs, and other description of animals, from running at large in the streets, lanes, alleys, commons, and other public places within the limits of said city; and to prevent the running at large, or being used in the city limits, any glandered mule, horse, or other animal; and to prevent any animal having a contagious disease being kept within the city limits in such place or manner as to endanger other animals.

§ 11. Said council shall have power and authority to levy, and cause to be collected, a special annual tax on dogs and other domestic animals in the city limits, not included in the taxable list of property for State purposes, which tax, so levied, shall be collected and applied to such purposes as

1820.

said council may direct; and said council shall also have power and authority to pass ordinances imposing fines and penalties to enforce a payment of said tax; but, should said council not consider it proper to make the payment of said tax compulsory, the amount of the tax may, nevertheless, be fixed by said council, leaving its payment optional. In all cases where the taxes, as above provided for, shall be paid on dogs in the city of Louisville, said dogs shall be considered and held throughout this Commonwealth as personal property, and the owners thereof shall be entitled to all the rights and privileges in relation to the same as in cases of other personal property.

§ 12. Said council shall have power and authority to pass ordinances imposing fines and penalties to protect the owner or person having lawful custody of the animal on which the tax, as hereinbefore provided for, has been paid, in the lawful and proper use, possession, and preservation thereof.

§ 13. Said council shall have power and authority to pass ordinances requiring dogs kept within the city to be registered, and to fix a fee therefor, and to provide for dogs, whether registered or not, when found running at large, contrary to ordinance, to be taken up and be impounded, and forfeited, unless redeemed within the time as may be permitted by ordinance, or to be killed, unless, within a time to be fixed by ordinance, on the owner failing to redeem, some other person shall purchase the dog for himself, as he may do, and thereby have the full, legal, and complete ownership of said animal, by payment of the redemption fee and charges, which the said council shall have the power to fix by ordinance; and to enforce an observance of, and compliance with, the ordinances aforesaid, said council may, by ordinance, impose fines and penalties.

§ 14. Said council shall have power and authority to pass ordinances prescribing and regulating the manner of traveling upon, or hauling over or along, or using for building purposes, or otherwise, or making excavations in any of the streets, alleys, lanes, avenues, or public thoroughfares within the city limits.

§ 15. All fines and recoveries in the city court of Louisville, in the name of the Commonwealth or of the city of Louisville, are hereby granted to said city, subject to the following provisions and limitations, viz.: That from the moneys received by the city on account, or by reason of such fines and recoveries, there shall be deducted sufficient amounts to pay the salaries of such of the officers of said court as are now, or may hereafter be, payable by the Commonwealth or by the city of Louisville, and to pay the grand and petit juries in said court, together with the cost of furnishing, attending to, lighting, heating, and keeping

1868.

in repair suitable rooms in which to hold said court, and for offices for the officers of said court; also, the costs of such record books and stationery for said court as the Commonwealth or city may be liable for, as well as such fees as the officers of said court may be entitled to demand and recover of the city; and, after deducting the amounts aforesaid, the balance remaining of moneys so collected is granted to the city of Louisville, for the benefit of the university and public schools of said city, and shall be so paid by said city. In consideration of all of which, it shall be the duty of the city of Louisville to pay into the Treasury of the Commonwealth, on the first day of December of each year, such amount as the Commonwealth shall have to pay as an annual salary to the judge of said court; and it shall be the duty of the city to pay to the other officers of said court such salary and fees as they may be entitled to demand and recover from said city; also, to pay the other expenses hereinbefore referred to, of and relating to said court. All moneys collected upon the fines and recoveries aforesaid, after deducting therefrom the fees of the officers in the respective cases, shall at once be paid to the treasurer of the city, who, in books provided exclusively for the purpose, shall keep an account of such receipts, as well as the payments made by the city, as required herein, which book shall, at all times, be subject to the inspection of the mayor and any member of the general council or of the board of trustees of the public schools of the city of Louisville.

§ 16. When parties shall be committed to the city work-house, upon capiases for fines issued upon judgments of the city court of Louisville, and the same shall be satisfied in whole or in part by labor in said work-house, the city shall not, on account thereof, be required to pay anything to the university and public schools aforesaid, or to any officer on account of his fees in the case; and whenever parties shall be so committed, it shall be lawful for them to be put to labor outside of, as well as within the work-house inclosures, for the purpose of satisfying the capias upon which the commitment was made, and upon the terms provided in section eleven of article five of the city charter.

§ 17. It shall also be lawful, instead of committing parties to the county jail, to commit them to the city work-house, either in default of bail to keep the peace and be of good behavior, or in default of bail to appear on the trial of any charge either upon indictment, alleged forfeiture of bonds or recognizances in the city court, or upon ordinance warrants; but when so committed, said parties shall not be made to labor, either within or outside of the work-house inclosures, unless they elect to be put to such labor in preference to remaining in close confinement; yet when

1868. such labor shall be rendered, no payment shall be demandable therefor.

§ 18. Parties charged with being fugitives from justice, or with any violation of State or municipal law for which they are liable to arrest, may, if arrested, and until brought before court for trial, as now required by law, be confined in any of the police station houses of the city of Louisville, as well as in the county jail; and the same privileges as to being visited by their attorneys or friends, at appropriate times, shall be extended to persons when confined in any of said police station houses as when confined in the county jail.

§ 19. The officer referred to in the eighth section of the fourth article of the city charter, as "city attorney," shall hereafter be styled prosecuting attorney instead of city attorney; and so much of the city charter as provides for the payment of a salary by the city to said officer, is hereby repealed, and hereafter said "prosecuting attorney," as compensation for his services, besides receiving the per centage allowed by law of judgments in prosecutions in the name of the Commonwealth, shall also be entitled to receive of the moneys collected on fines imposed in prosecutions upon ordinance warrants thirty per cent. thereof, where he shall have prosecuted to conviction, also thirty per cent. of the moneys collected of fines imposed by judgment of the city court upon persons, as permitted by section one of an act approved February 18, 1864, entitled "An act to amend an act, entitled 'An act to charter the city of Louisville,'" where he shall have prosecuted to conviction; but in no case shall an attorney's fee be taxed as part of the costs, or otherwise, in prosecutions upon ordinance warrants; nor shall the "prosecuting attorney," by reason of the allowance of the per centage of fines as compensation for his services, be entitled to receive or demand any part of such per centage except in such cases in which he shall in person prosecute to conviction.

§ 20. When, from any cause, said prosecuting attorney fails to attend court, or attending, fails to prosecute, and the business then to be brought before the court for hearing shall, in the opinion of the judge, require an attorney on the part of the prosecution, said judge shall appoint an attorney to prosecute *pro tem.*, who, before acting as such, shall take the oath required to be taken by prosecuting attorneys; and for his services, if he ask it, the court shall direct an order to be entered, allowing him the same compensation in each case which the regular prosecuting attorney would be entitled to had he prosecuted therein.

§ 21. The seventh section of an act approved February 16th, 1865, entitled "An act to amend the charter of the city of Louisville," and the two provisions contained in the

fourth section of the act approved June 2, 1865, entitled "An act to amend the charter of the city of Louisville," are hereby repealed. And an act approved March 4th, 1867, entitled "An act in relation to the improvement of streets in cities and towns in this State," is hereby so amended that the provisions thereof shall not apply to the city of Louisville. 1868.

§ 22. The general council of said city shall have power and authority, from time to time, to pass ordinances fixing the price of license for butchers, hucksters, and other persons who sell and offer for sale in, or adjacent to, private market-houses, whether such market-houses be owned by an incorporated company or not, and by fines and penalty, not exceeding one hundred dollars, to enforce the procuring of such license before selling or offering for sale.

§ 23. Said council shall have power and authority to pass ordinances for digging and walling wells, and for the construction of cisterns, as well as placing fire-plugs or other attachments to street water-pipes, on any of the turnpike or plank roads in said city, or on any of the established streets, alleys, lanes, avenues, or thoroughfares within the city limits, the costs thereof to be a charge upon the property and property-owners, and secured by a lien on the property as indicated and provided for in the twenty-seventh and thirty-second sections of this act.

§ 24. Said council shall have power and authority to pass ordinances directing sidewalks to be graded, curbed, regraded, made, remade, recurbed, or repaired, along any of the turnpike or plank roads, or in any of the established alleys, lanes, avenues, or thoroughfares in said city, which are of the width of twenty feet, but less than sixty feet in width; the costs thereof to be a charge upon the property and property-owners, and secured by a lien on the property as indicated and provided in the twenty-seventh and thirty-second sections of this act.

§ 25. Said council shall have power and authority to pass ordinances for the original grading or improving, or regrading, recurbing, or improving, or for repairing the whole, or any portion, in width or length, as in the opinion of said council or of the city engineer may seem proper, of the sidewalks alongside of any of the turnpike or plank roads, or in any of the squares in said city, or in the alleys, lanes, avenues, or thoroughfares mentioned in the preceding section, or of such portion of said sidewalks as the city engineer may direct; the costs thereof to be a charge upon the property and property-owners, and secured by a lien on the property as indicated and provided for in the twenty-seventh and thirty-second sections of this act.

1868.

§ 26. Said council shall have power and authority to pass ordinances for the grading and the original improvement of the whole, or any portion, in width or length, as, in the opinion of said council or of the city engineer, may seem proper, of any established street, alley, lane, avenue, or thoroughfare in the city limits, or of such portions of said street, alley, lane, avenue, or thoroughfare as the city engineer may direct; the costs thereof to be a charge upon the property and property-owners, and secured by a lien on the property, as indicated and provided for in the twenty-seventh and thirty-second sections of this act. But when any such grading or original improvement, as provided for in this section, has not been petitioned for by the owners of a majority of the feet of ground chargeable therefor, it shall require the concurrence of two thirds of the members elected in office in each board of the general council to pass the ordinance providing therefor, and the final vote thereon shall be taken by yeas and nays, and recorded in the journal of the proceedings of each board of said council.

§ 27. The property and number of feet thereof which shall be chargeable with, and upon which a lien shall exist for the costs of the work and improvements provided for in the preceding sections 23, 24, 25, and 26, shall be such, and the rate of apportionment thereon be as may be designated or prescribed in the ordinance providing for the work or improvements; or, in the absence of such provision being made in said ordinance, shall be such, and the rate of apportionment thereon be as may be designated or prescribed in a general ordinance upon such subjects and as to such liens, which said general ordinance said general council shall have power and authority to pass, yet to pass the same it shall require the concurrence of two-thirds of the members elected in office in each board of the general council, and the final vote thereon shall be taken by yeas and nays, and recorded in the journal of the proceedings of each board of said council; but in fixing the rate of apportionment for the cost of the works and improvements as permitted in this section, no apportionment against any lot of ground on which the lien therefor exists shall be over twenty-five per cent. more than the amount the same area of the other lots of ground shall be chargeable with. No recovery shall be had against the city by reason of any apportionment not having been conformable to the ordinance in relation to the same; and besides the power thereto, as hereinafter vested in the chancellor of the Louisville chancery court, the general council shall at any and all times have the right to correct such apportionments, and cause warrants to be issued in accordance with such correction.

1868.

§ 28. In the ordinances for grading and regrading, making, remaking, or repairing sidewalks, streets, alleys, lanes, avenues, or thoroughfares, as permitted by the 24th and 25th sections of this act, it may be provided that said improvement or repair may be done either in such manner and to such extent as may be therein directed, or in such manner and to such extent as the city engineer may direct; and in the ordinance for digging and walling wells, and for the construction of cisterns, fire-plugs, and other attachments to street water-pipes, as permitted by the 23d section of this act, it may be provided that the same may be done either in such manner as may be therein directed, or in such manner as the city engineer may direct. But the suggestion of the city engineer must be approved of and adopted by said council; and the contract for doing said work being attested by the engineer, when approved of by the council, shall be evidence of their approval and adoption of the suggestion of the engineer that the work be done in the manner and to the extent as therein indicated and provided for; it shall be lawful for said ordinances and contracts to provide substantially and to the effect that the extent and character of the improvement or repairs, and the specifications for the execution of the work, and the kind and quality of material may, upon equitable terms, be altered or modified by the city engineer, and the work be by him suspended whenever, for causes satisfactory to him, he may so direct; yet, notwithstanding such provisions, the suggestions in the premises, of said engineer, shall be at all times subject to be countermanded and controlled by resolution of the general council; and if not so done, shall be considered and held as approved and adopted by said council, and the ordinances shall be construed and held as having ordained the work to be done in the manner and to the extent, and subject to the stipulations, as provided for in said contracts.

§ 29. Whenever the improvement or repair of sidewalks, streets, lanes, alleys, avenues, or other public thoroughfares, as permitted by the 23d, 24th, 25th, 26th, and 45th sections of this act, shall be contracted for, and the contract include more than one square, it shall be lawful, before the work in the whole number of squares contracted for shall be completed, for the work to be received by squares as soon as the work on such square shall be completed; and the lien therefor against the property shall be perfected from and after, but not until the date of, the approved report of the city engineer to the general council of the completion of said work on said square; in like manner and time shall be perfected the lien for digging

1868. and walling wells, constructing cisterns, fire-plugs, and as permitted by the 23d section of this act.

§ 30. If, after acceptance by the city of the work done under any contract, entered into by reason of any ordinance passed as permitted by sections 23, 24, 25, 26, and 45 of this act, it should appear that the work or materials were not in fact strictly in accordance with the terms of the contract, yet were of value and benefit to the property against which a lien for the work contracted for was to be charged, then such lien shall not be defeated, nor shall it be necessarily for the contract price, but shall be only for and to the extent of the proportionable value of the work and materials; nor shall the contractor, by reason of the acceptance of the work by the city, or for other cause, be entitled to any recovery against the city for the difference between said value and the contract price.

§ 31. In contracts which may be entered into by the city for the making of any public improvements directed by the general council, it shall be lawful, whenever said council shall deem it expedient to do so, to fix a time beyond the end of the fiscal year in which the contract may be made for the completion of the work provided for in said contract. And before or after the time for the completion of any work contracted for by the city shall have expired, it shall be lawful for said council to extend the time beyond the end of the then fiscal year; and whenever any contractor with said city shall not have completed the work he had contracted to do in the time stipulated in the contract, or within the time as extended, but otherwise in compliance with the contract, said council may, if they think proper, accept the work, and such acceptance shall be as proper and lawful as though the work had been done within the time stipulated in the contract.

§ 32. The liens given for the purposes named in sections twenty-three, twenty-four, twenty-five, twenty-six, and forty-five, may be enforced by filing a petition in chancery, with a copy of the ordinance directing the work to be done, and of the contract for doing the same, and of the report of the completion of the work, and of the apportionment of the costs of same made as required, which shall be *prima facie* evidence in favor of the contractor or any claimant under him; and to this petition all persons who, by the apportionment, are to pay any part of the costs, shall be parties, unless they have paid their part of the costs agreeable to the apportionment, which fact shall be alleged in the petition; and it shall be lawful for the court hearing the cause to correct errors, if there be any, in the apportionment, and to decree a sale of so much of the lots of each person as will pay his part of the costs according to the apportionment, and his costs of suit; and the court

confirming any sale made under such decree shall direct that the property shall be redeemable at any time within three years, by the owner, on paying the principal sum, and interest at the rate of ten per cent. per annum, and all taxes and levies made subsequent to the sale thereof; and if not redeemed within the time specified, that the sale shall be final; and, after the time for redeeming shall have expired, the court shall cause a conveyance to be made to the purchaser by a commissioner. It is provided that infants shall have the right of redemption, on the terms specified above, for three years next after arriving at full age. And it is further provided, that, for any of the aforesaid apportionments, the contractor, or any claimant under him, may recover the same at law, against the person or persons charged therewith, as in cases of contract. The second, third, fourth, and fifth sections of article seven of the city charter, and so much of all other acts amendatory thereof as are inconsistent herewith, are, to that extent, hereby repealed; reserving, however, all rights and causes of action and benefits of lien, or otherwise, which have accrued by reason of the provisions thereof.

§ 33. All streets, lanes, alleys, avenues, and thoroughfares, and parts of same, either in width or length, or extensions thereof, in said city, heretofore laid out or extended, or which may be hereafter laid out or extended, by any person or persons, or where such person or persons shall have sold, or laid out and proposed to sell, or who shall hereafter sell, or lay out and propose to sell, lots recognizing and calling for such streets, alleys, lanes, avenues, or thoroughfares, or parts of same, either in width or length, or extensions thereof, shall be, and are hereby, declared as public, subject, however, to the right and power, which is hereby granted, of the city to reject the same by resolution of the general council to that end.

§ 34. All streets, alleys, lanes, avenues, and thoroughfares, and parts of same, either in width or length, or extensions thereof, in said city, heretofore laid out or extended by, or in pursuance of, any order or decree of court, are hereby declared as public and established.

§ 35. And where any such streets, alleys, lanes, avenues, or thoroughfares, or parts of same, either in width or length, or extensions thereof, shall be hereafter laid out and reported by commissioners or others, as may be permitted by order or decree of court, it shall be the duty of the court, before confirming such report, or otherwise ordering or decreeing such streets, alleys, or thoroughfares as laid out or established as public, first to have the city notified thereof, and to grant reasonable time thereafter to the city to make objections thereto, if any she have, and

1868.

to take and present to the court proof in support of such objections; on the hearing of which the decision of the court in the premises shall be final; and such streets, alleys, and thoroughfares as may be therein ordered or decreed as laid out shall be, and are hereby, declared as public and established; and upon the order or decree being so made, it shall be the duty of the court to order and require the parties at whose instance or for whose benefit the plat has been made, to cause a duly attested copy thereof to be delivered to the city, and to have a similar copy filed and recorded in the Jefferson county clerk's office.

§ 36. Such provisions of the city charter as direct the passage of ordinances to receive, accept, or declare as established, any street or alley, or extension of any street or alley laid out, or which may hereafter be laid out by any person or persons within the city limits, are hereby repealed, and henceforth, and when any ordinance shall be passed by the general council directing to be graded or otherwise improved the whole or any part of any such street, alley, lane, avenue, or thoroughfare, or directing the digging of any well, or construction of any cistern, fire-plug, or other attachment to a street water-pipe therein, the ordering by said city of the work to be done shall be equivalent to, and shall be held as evidence of, said city having before, and at the time of ordering said work to be done, accepted as public and established such street, alley, lane, avenue, or thoroughfare.

§ 37. The general council shall have power and authority to pass such ordinance or ordinances as they may deem necessary, requiring all persons who may have owned ground within the city limits, and all persons owning ground within the present or any future limits of the city, who shall have laid out, or may hereafter lay out, any streets, alleys, or public thoroughfares or parts of same, either in width or length, or extension thereof, through or over any part of their said ground, or who shall have sold, or may hereafter sell or offer for sale, any of their said property recognizing or calling for such street, alley, or public thoroughfare, or part of same, either in width or length, or extension thereof, through or over any part of their said ground, to deliver to the general council for approval or rejection, within such time as may be required, and to be retained by the city (if approved) true and duly acknowledged copies of the plats of all such streets, alleys, and public thoroughfares, and parts of same, and extensions thereof, as so laid out or called for; and if approved, to require said parties to have like copies of said plats, duly acknowledged, filed and recorded in the Jefferson county clerk's office; and by said ordinances said council shall

1868.

have power and authority to impose fines of not exceeding one hundred dollars for failing to comply with any of the requirements thereof, and a like fine for each day the party or parties shall continue to so fail.

§ 38. An act approved October 1st, 1861, entitled "An act to amend the charter of the city of Louisville," and the fifth section of an act approved September 20th, 1861, to amend the charter of the city of Louisville, are hereby repealed.

§ 39. The general council shall have power and authority to establish an "Engineer's Department" and a "Street Commissioner's Department," in and for the city of Louisville, and prescribe such duties, rules and regulations, for each of said departments, as to said council may seem proper: *Provided, however,* That the officers authorized by this section shall be elected by the general council in joint session, by a *viva voce* vote; but no such officers shall be elected for a longer term than two years.

§ 40. The street commissioners shall exercise such powers and perform such duties in the superintendence and construction of public works, by or under the authority of the city, as the council may, from time to time, prescribe, and perform such other duties as the council may, by ordinance or resolution, prescribe.

§ 41. The general council shall have power and authority to pass ordinances regulating and controlling the kind and the erection and construction of buildings or additions to buildings within the city limits, and the removal of the same from one point to another within the city; and shall have power to pass ordinances requiring the dimensions of the wall to be such, and the outer walls to be built of such materials, and the place where the same is to be erected, or to which the building is desired to be removed, to be such as may be approved of, and evidenced by a permit signed by a majority of the street commissioners (for which no charge shall be made), whose action in the premises shall be subject to the revision and control of the general council, on the application in behalf of any one aggrieved thereby, made within thirty days after the action of the street commissioners in the premises, and upon such notice as the general council may prescribe in such cases; and, to enforce a compliance with the provisions of said ordinances, said council shall have power to pass ordinances imposing adequate fines and penalties.

§ 42. Said council shall have power and authority to pass ordinances to control, as well as prohibit, the erection or continuance of powder magazines within the limits of the city; and, to enforce a compliance with said ordinances, to impose a fine of not exceeding one hundred dollars for each violation thereof, and a like sum for each

1868.

day upon which the provisions of said ordinance or ordinances shall not be complied with.

§ 43. The general council may, from time to time, by ordinance, establish and regulate, and enforce, by fines and penalties, the inspection and weighing of coal sold within the limits of said city; and such laws of this Commonwealth as would restrict the enforcement of the provisions of said ordinances, except on the voluntary principle, or where the service is desired by the buyer or seller, shall not be held as applying to the inspection or weighing of coal sold within the limits of the city of Louisville; and, to that extent, said laws are hereby repealed.

§ 44. The city of Louisville shall have power to enter into such contract or contracts with the county of Jefferson, from time to time, as may be agreed upon by the city and county, in relation to the alteration or repairs of the jail, or in the erection of a new jail, and concerning the use and occupation of the court-house, and alterations of, and repairs to, the same, or the erection of a new court-house, as well as all other matters in which the city and county are, or may be, jointly interested, and to fix upon the proportion of expenses to be borne by the city and county respectively.

§ 45. For the purpose of relieving property within the city limits from the inconvenience of overflow from the Ohio river, in times of high water, it shall be lawful for the general council, upon petition by the owners of a majority of square feet of ground proposed in the ordinance to be benefited by the improvement, to pass ordinances for the grading or leveeing the whole or any portion, in length or width, of such streets, alleys, or public ways, as, in the opinion of said council, may be proper to contribute to the end aforesaid; and for the further improvements thereof, by curbing, paving, and macadamizing, or such one or more of said modes of improvements, or such other mode of improvement, together or alone, as said council may direct or authorize to be done, the costs of which grading, leveeing, and other modes of improvement as aforesaid, shall be a charge against the owners of, and a lien upon, the property, or parts of property, subject to overflow benefitted thereby, to be apportioned as shall be directed by the ordinances passed to provide for the improvements, which ordinances shall also designate the area of ground to be benefitted thereby, and against which the costs of the aforesaid improvements shall be apportioned: *Provided, however,* That when any such improvement has not been petitioned for by the owners of a majority of square feet of ground, as shown in the proposed ordinances to be benefitted thereby, it shall require the concurrence of two thirds of the members elected in

1868.

office in each board of the general council to pass the ordinances to procure said improvements, and the final vote thereon shall be taken by yeas and nays, and be recorded in the journal of proceedings of each board of said council. The liens given for the purposes named in this section may be enforced, and the costs apportioned may be collected, as provided in section thirty-two of this act.

§ 46. There shall, in each year, be appointed by each board of the council, one member from the board of aldermen and two from the common council, who, together with the mayor and the clerk of either board of the council, shall be a committee on elections, and constitute a board for examining, after the return thereof, the poll-books at all times during that year, where votes of the citizens shall be taken, either at municipal elections or other matters pertaining exclusively to the city, or upon which the council shall have directed the votes to be taken; but any two of said committee, besides or without the mayor, shall be sufficient to constitute a board. Certificates of elections shall be given by the mayor, agreeably to the decision of the board; but when the mayor shall be a candidate, he shall have no voice in the decision in his own case; and a certificate of election shall be given to the mayor, agreeably to the decision of the board, by the clerk of the board of aldermen or common council, who shall act as one of the board.

§ 47. The general council shall have power and authority to pass such ordinances, with adequate fines and penalties, as they shall, from time to time, deem expedient for the government of said city, not contrary to the Constitution of this State or the Constitution of the United States.

§ 48. The general council shall have power to license and tax, and provide by ordinance for licensing and taxing, pork-houses, slaughter-houses, express companies or agencies therefor, and any dealer in cattle, lumber, coal, or wood, at not exceeding one thousand dollars each.

§ 49. So much of the act approved February 17th, 1866, to amend the charter of the city of Louisville, as established and pertains to the office of "corporation counsel," is hereby repealed; but this repeal shall not take effect so as to prevent the present incumbent from holding said office until the expiration of the term for which he was elected.

§ 50. The general council, by a *viva voce* vote in joint session, may elect as "city attorney," at a salary not exceeding four thousand dollars per annum, payable in monthly installments, any regular licensed attorney at law, residing in Louisville or Jefferson county, and may prescribe and decide as to his eligibility and qualifications;

1868.

but no term for which a person shall be so elected shall be longer than one year, and until his successor is elected and shall have qualified. He shall act as attorney and counsel for said city in all suits and proceedings by or for or against the city, and perform such other duties as may be required by ordinance or resolution of the general council, and shall give bond with approved security, and make oath well and truly to perform the duties assigned him.

§ 51. At the general municipal election to be held in April, 1868, a poll shall be opened to take sense of the qualified voters of the city whether or not they desire a new city charter; and if the votes of a majority of said voters be for a new charter, it shall be the duty of the general council to cause an election to be held, on a day to be designated in the ordinance providing for said election, for delegates to prepare a new city charter, which new charter so prepared [shall be] submitted to the qualified voters of the city as provided in section nine, of article thirteen, of the present charter; and if approved by a majority of the votes cast as aforesaid, the same shall supersede the present charter when approved by the General Assembly of this Commonwealth.

§ 52. All elections by the common council and by the board of aldermen, or by the general council in joint session, shall be by *viva voce* vote, otherwise such elections shall be void.

§ 53. The city court of Louisville shall have concurrent jurisdiction with the Jefferson circuit court in the hearing and trial of all offenses against the laws of this Commonwealth, not amounting to felonies committed in the county of Jefferson outside of the limits of the city of Louisville, whether the same be tried on indictment or otherwise.

§ 54. All laws and parts of laws inconsistent herewith are to that extent repealed; and this act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1013.

AN ACT to amend the Charter of the City of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all judgments rendered in the mayor's court of Newport, for a violation of the criminal and penal laws of this Commonwealth, and the laws and ordinances of the city of Newport, the fees now allowed by law to said mayor shall, as heretofore, be entered up and taxed as costs against the unsuccessful party; and shall be collected

and accounted for by the marshal of said city. The one dollar fee now allowed the city attorney of said city, in suits, whether prosecuted by him or not, before the mayor of said city and the justices of the peace residing within said city, to be collected in like manner; and said costs and attorney's fee shall be paid by said marshal into the city treasury of said city. The city treasurer shall, in a book to be provided by the city council, keep a true and correct account of all costs so paid, and shall report the same quarterly to said council. He shall also receipt to the marshal for all costs so paid him, which receipts shall be reported to the city clerk, and copies thereof entered by him in a book to be kept for that purpose. The city marshal shall be the chief of the police force of said city, and shall receive, in addition to the fees now allowed him by law, as compensation for his services, an annual salary not exceeding five hundred dollars, to be paid quarterly, in equal installments, out of the city treasury. That, in lieu of the fees now allowed by law to the mayor, the city council shall fix, by ordinance, as compensation for his services, an annual salary not exceeding five hundred dollars, to be paid quarterly out of the city treasury. That all acts and part of acts relating to said city, inconsistent with the provisions of this act, be, and the same are hereby, repealed

1868.

§ 2. This act to take effect from and after the first day of April, 1868.

Approved March 9, 1868.

CHAPTER 1014.

AN ACT to amend the Charter of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The city council is hereby authorized and empowered to levy, and cause to be collected, in the same manner that other taxes are collected, for the support of the fire department of said city, an annual tax, not exceeding fifteen cents on every one hundred dollars valuation of taxable property now liable, or hereafter made liable, to taxation, under the charter of said city. The money so collected shall be applied only for the purpose of sustaining said fire department. The five per cent. tax heretofore levied for said purpose shall not be levied after the year 1867.

May levy and collect tax in support of fire department.

§ 2. For the purpose of draining the city, by sewers or otherwise, the city council is hereby empowered to construct, or cause to be constructed, from time to time, such sewers and other conduits, for carrying off the water which may accumulate upon the streets, alleys, or other

May have sewers, &c., made to drain city.

1868.

Revenue tax
may be increas-
ed for city pur-
poses.

public places of the city, as it may deem the general welfare of the city require; and to pay for the same out of any moneys belonging to the general revenue fund not otherwise appropriated.

§ 3. Instead of forty cents, as now provided, for revenue purposes, the city council is hereby authorized and empowered to levy and collect a tax, not exceeding sixty cents, annually, for general revenue purposes, in the same manner that other taxes are levied and collected, on every one hundred dollars valuation of taxable property now liable, or that may hereafter be made liable, to taxation, under the charter of said city.

May create
sinking fund to
pay off city debt

§ 4. That, for the purpose of creating a sinking fund sufficient to pay off all bonds and the funded debt now owed, or that may hereafter be owed or issued, by the city of Covington, the city council is hereby authorized and empowered to levy, and cause to be collected, in the same manner that other taxes are levied and collected, an annual tax, not exceeding twenty-five cents on every one hundred dollars valuation of taxable property now liable, or that may hereafter be made liable, to taxation, under the charter of said city. Any surplus that may remain at the end of any fiscal year of the city, of the general revenue of the city, shall be transferred to, and be a part of, this fund. The city council shall have power to transfer to this fund the proceeds received from fines recovered in said city, and payable into its treasury, and also the proceeds received from any and all licenses granted by said city. No money shall be appropriated from said fund, except for the purposes mentioned in this section; but to pay the interest or principal of such indebtedness, or to purchase in the same, or any part of it, before it is due, the city council may appropriate any portion of said fund. This tax, and all other special taxes, shall be separately named on the city tax bills, and all amounts collected shall be reported separately by the treasurer and all other officers collecting taxes for the city. The treasurer shall keep a separate account for each special tax or fund, and show the sums belonging to each tax or fund in all his reports to the city council.

In relation to
delinquent tax
bills.

§ 5. That, when the city treasurer places the delinquent tax bills in the hands of the city collector for collection, he shall take his receipt therefor, specifying the amount due for each purpose or fund on each bill. The names of the delinquents shall be placed in alphabetical order in said receipt, which shall also show the year for which the tax in each year is due, and such other particulars as the city council may, from time to time, direct; and this receipt the treasurer shall immediately deliver to the city council for examination, and, if found to be correct, it shall be lodged

in the office of the city clerk; if not found correct, it shall be returned to the city treasurer and made correct, and again signed or acknowledged by the city collector, and, when so corrected, he shall again return it to the city council, to be lodged in the office of the city clerk, as aforesaid. Upon the receipt of such tax bills, the collector shall at once proceed to collect the same. He shall make a report to the city council, at its first meeting in every month, under oath, stating the amount collected during the preceding month, for what tax or fund, and from whom collected; and he shall pay the sums so collected for each month to the city treasurer, on or before the day of making his said report. It shall be the especial duty of the city council to see, every month, that the collector has complied with all the provisions of this section. The city council shall pass such an ordinance or ordinances as may be necessary to enforce the provisions of this section, fixing fines and penalties for non-compliance with any of the requirements of this section, or any provision of such ordinance or ordinances, by either the treasurer or collector, not exceeding one hundred dollars for each offense, when the offender shall have been duly convicted before the mayor of said city.

1868.

§ 6. That the city council shall have power to pay for any land purchased or condemned for purposes of said city, by adjudication under a writ of *ad quod damnum*, under the provisions of the city charter, out of any money in the city treasury not otherwise appropriated and belonging to the general revenue, at any time during the year in which the purchase or condemnation shall be made.

May pay for
lands purchas-
ed for use of
city.

§ 7. That the same fees which are now allowed to the city marshal for arresting a person charged with violating any of the ordinances or the charter of the city of Covington, and for taking such person before the mayor for trial, and for attending the trial; and also the mayor, for issuing a warrant against the person so charged, for sitting at the trial, and rendering judgment against such person, and also a docket fee of one dollar, allowed city attorney against the person convicted of a violation of any of said ordinances, or the charter of said city, shall hereafter be assessed and taxed against the person so convicted before the mayor, as costs, and shall be collected in the same manner that they are now collected; but they shall all be paid into the city treasury, along with the fines in the same cases adjudged and collected. The city council may pay said mayor, marshal, and city attorney such sum as it may deem proper for their services. Neither the city marshal nor any of his deputies, nor any police officer of said city, shall be allowed any fees for attending before the mayor or mayor's court, as witnesses

In relation to
fees of city off-
icers.

1868.

against any such person accused or tried for violating any ordinance or the charter of said city. All other fees allowed such officers by the charter of the city, not herein mentioned, shall hereafter be allowed, taxed, and collected as heretofore. That, in all cases where persons shall be convicted in said court of any violation of the general laws, or of the ordinances of said city, the person so convicted and fined shall have a right to replevy such fine, according to the general laws now in force; and the mayor and the marshal shall have all the rights of county judges, justices of the peace, sheriffs and constables, in taking security of such convicted persons, and shall be liable, in the same way that other officers are liable under the general laws of the State, in taking security.

In relation to
repair of streets

§ 8. That the city council shall have full power and authority, in addition to the materials now permitted to be used by the city charter in the construction or repair of streets, alleys, market-spaces, or other public places in said city, to cause the same to be constructed, repaired, or renewed with any material or materials, in any manner the council may declare suitable and proper for the location to be so improved. The city council shall have power, without a petition from the owners or holders of property along the line of the street, square, or portion of the street, alley, market-space, or other public place to be altered, repaired, or renewed, as aforesaid, to cause the same to be done in any manner it may deem proper, at the cost and expense of the owners of lots and parts of lots fronting or abutting on the same; the taking up of one sort of material and putting the same down again, with or without adding additional materials of the same kind, or of different kinds, in the same manner as the portion to be improved was theretofore made, or putting down the same materials in any other manner, shall be included in the term repairs; and hereafter, when any new street, alley, square, market-space, or other public place, shall be constructed, or any old street, alley, square, market-space, or other public place, shall be renewed or repaired, according to the directions of the city council, and the same shall have been accepted by the city council, such street, alley, square, market-space, or other public place, shall thereafter be kept in repair and renewed at the general expense of the city; and all expenses incurred in repairs and renewals shall thereafter be paid out of the general revenue of the city. The city council shall examine any street, or part of a street, alley, market-space, or other public place already constructed in said city, and if found in proper condition and repair, shall declare by ordinance that such street or part of street, alley, market-space, or other public place, shall thereafter be repaired and renewed by the

general expense of the city as aforesaid; and, in addition to the taxes authorized by law, the city council shall have a right, annually, to levy, assess, and collect, in the same manner that other taxes are levied, assessed, and collected, a tax not exceeding ten cents on every one hundred dollars' valuation upon all the property and things in said city taxed for general revenue purposes, which tax shall be applied by said council exclusively to the purpose of keeping the streets in repair.

1868.

§ 9. The city council shall have the power to direct and permit the use of any material it may deem proper in the construction, repair, or renewal of sidewalks in said city.

§ 10. The city council is hereby authorized and empowered to borrow a sum of money not exceeding \$40,000, in addition to the \$30,000 already borrowed, and to pledge the faith, credits, and effects and property of said city for the payment thereof, and also for the payment of the \$30,000 already borrowed. The money hereby authorized to be borrowed shall be applied to the extinguishment of the existing debt of said city, known as its floating debt, including said \$30,000 and the \$40,000 hereby authorized, and the necessary expenses of the city during 1868; and the money so borrowed shall be repaid out of the first money coming into the treasury of said city from the general revenue thereof, and not otherwise appropriated.

May borrow money.

§ 11. The city council of Covington may appoint an auditor of the city, and by ordinance prescribe the duties of said officer, and fix the amount of his salary. The auditor shall be empowered to keep a transfer book of all the real estate in the corporate limits.

Auditor to be appointed.

§ 12. Hereafter, before any contract shall be made by the council for any work to be done in the construction or improvement of any street or alley, and other public improvement in the city of Covington, the proceedings of the council with reference thereto shall be referred to the committee on law, in conjunction with the city attorney, who shall examine said proceedings, and shall ascertain and report to the council whether said proceedings are regular and in accordance with the provisions of the charter and amendments thereto, and whether the city will be liable for the cost of said construction or improvement.

§ 13. The annual charter elections of the city of Covington shall be held between the hours of 6 o'clock in the morning and 7 o'clock in the evening.

Charter elections.

§ 14. The city council shall have power to make contracts with any person or persons, association or incorporation, or municipal corporation, within or without the State of Kentucky, for the construction of water-works for supplying the city of Covington, and the residents

May contract for construction of water-works.

1868.

thereof, with pure water, and for the laying of pipes and the building of aqueducts for the same purpose; and said council shall have power to prescribe, by ordinance, the rates to be charged to consumers for the use of said water.

May abolish
office of city
physician.

§ 15. That the city council shall have full power and authority to abolish the office of city physician, and in lieu thereof shall have full power to divide the city into districts, each district to be composed of one or more wards. The city council shall have power to appoint a physician for each district, and shall have power to fix the term of office, duties, and salaries of the physicians, to take effect at the expiration of the term of office of the present city physician.

May levy and
collect addi-
tional tax for
school purposes

§ 16. That the city council, in addition to the tax now authorized by law to be collected for school purposes, shall have power, if, in the opinion of the council it be necessary, to levy and collect a tax of five cents on the one hundred dollars valuation of all taxable property in the city for three years, for the purpose of paying off the present indebtedness of the school board of the city of Covington, and, as is expressly provided for in this section, is [not] to be applied to any other purpose than the payment of said indebtedness.

§ 17. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1015.

AN ACT to amend and reduce into one all the acts concerning the Town of Burksville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that portion of Cumberland county extending from the court-house, in Burksville, in said county, to the east bank of Cumberland river, and within three quarters of a mile from said court-house, shall be, and is hereby, declared to be the town of Burksville; and as such, by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatever and in all courts and places.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in one principal officer, to be styled the Chairman of the Board of Trustees, and four trustees, who shall be elected on the first Saturday in March in each year, in the manner hereinafter provided, and shall hold their offices until their successors have been duly elected and qualified, all of

whom shall have attained to the age of twenty-one years, and resided in said town one year next before their election.

1868.

§ 3. That, on the first Saturday in March next, there shall be an election held, by two judges, appointed by the county court of Cumberland county, and a clerk, for a chairman and four trustees, and for a police judge and marshal, all of whom shall have resided in said town one year next preceding their election. All white male persons, over the age of twenty-one years, who shall, *bona fide*, have resided in said town for six months next preceding said election, or shall, at that time, be owners of real estate therein, and who shall have paid their taxes for the current year, and all arrearages for taxes, shall be entitled to vote at said election, naming the persons for whom they vote for chairman, trustees, police judge, and marshal. The police judge shall hold his office until August, 1869, when another election shall be had and held, in the same manner herein prescribed; and every four years thereafter, at each August election, an election shall be held for police judge. The marshal shall be elected at the same time, and hold his office until August, 1869, and shall be elected every two years thereafter, at the regular August election.

§ 4. The judges and clerk of said election shall, on the following Monday after said election, meet at the office of the clerk of the Cumberland county court, compare the vote for chairman, trustees, police judge, and marshal, and give to the persons receiving the highest number of votes a certificate of their election.

§ 5. The chairman, trustees, police judge, and all officers appointed by the board, before entering upon the duties of their respective offices, shall take an oath, before some officer authorized to administer an oath, to support the Constitution of the United States and the Constitution of this State, and to discharge the duties of their respective offices to the best of their abilities, so long as they continue in office.

§ 6. The chairman, trustees, police judge, marshal, and all officers appointed by the board, shall reside and keep their offices within the limits of said town, during their continuance in office. Said board of trustees may fill all vacancies occurring by death, resignation, or otherwise, in the board or in any of the offices of said town. They may, in the absence of the chairman at their meetings, fill his place by temporary appointment of one of their number.

§ 7. The chairman shall preside at the meetings of the board, and give the casting vote when there shall be a tie; he shall call the board to order and convene the same

1868.

when he may think proper; and shall sign his name to all orders and proceedings of the board entered upon their book kept for that purpose.

§ 8. The regular meetings of said board shall be held on the third Saturday in each month throughout the year; four of the trustees shall be capable of doing business in session; the board shall have power to inflict a penalty, not exceeding five dollars, on any member, for non-attendance at any one meeting.

§ 9. The board of trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, records, and everything else belonging to the office, and deliver the same to his successor in office on application being made therefor; he shall keep a regular journal of the proceedings of the board, and a correct account of the fiscal concerns thereof; he shall record all the acts, resolutions, and orders of the board; he shall take and attest all bonds and agreements between the board and other persons; he shall furnish attested copies of all acts, resolutions, and orders passed by the board, when required to do so by persons entitled to demand the same; he shall draw his order on the treasurer for all sums due persons on claims allowed by the board, and on the return of the assessor's list to the board, and the assessment of the taxes therein, he shall hand over one of said lists, together with the order fixing the rate of assessment, to the collector, taking his receipt therefor; he shall be required to give bond, with sufficient security, in an adequate penalty, to be fixed by the board, conditioned for the faithful discharge of his duties as clerk aforesaid.

§ 10. The board of trustees shall have full power and authority, a majority therein concurring, to cause all the streets and alleys, or any of them, or any part or portion of them in said town, now established or hereafter to be established, to be graded, paved, turnpiked, graveled, or otherwise improved.

§ 11. The board of trustees shall have full power and authority to cause the sidewalks, or any part or portion of them in said town, to be curbed, graded, and paved with stone or brick; and when so done, to be kept in good repair, and to assess the cost and expenses of such grading, curbing, paving, and repairing, adjacent to any lot or part of lot, against the owner of the lot or part of lot fronting thereon; and to secure the payment of said cost and expenses, a lien is hereby given on said lots and parts of lots; said cost and expenses may be listed as taxes with the collector of said town, and by him collected as other taxes, who shall have power to sell and convey said lots and part of lots, or so much thereof as will be necessary, in the same manner that other real estate may be sold in said

town for taxes: *Provided*, That infants, *femes covert*, and persons of unsound mind shall have five years after their several disabilities are removed to redeem the same.

1868.

§ 12. The board of trustees shall have the exclusive right to regulate the sale of spirituous liquors within said town; they shall also have the right to tax, and the exclusive right to license, all taverns in said town; but tavern-keepers and venders of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid; and no license shall be granted to any one to vend spirituous liquors in said town until after the payment of the tax therefor imposed by the board.

§ 13. That said board shall have authority to impose a tax of not less than fifty nor more than one hundred dollars per year upon all persons by them licensed to vend spirituous liquors.

§ 14. They shall have authority, a majority of the trustees concurring, to suspend, either indefinitely or for a limited time, any license they may grant, or which may have been granted to tavern-keepers or coffee-house-keepers in said town, whenever they shall be satisfied that said tavern-keeper or coffee-house-keeper has permitted any unlawful gaming, disorderly or indecent conduct, to be practiced or committed in his house, or has permitted any person to tipple or drink to intoxication therein: *Provided, however*, That no license shall be suspended until said tavern or coffee-house-keeper shall have had at least five days' previous notice in writing, signed by the chairman or one of the board of trustees, setting forth the grounds of such notice or complaint, and requiring him to appear before said board, at a time and place fixed in said notice, and show cause, if any he can, why his license should not be suspended; if any, whose license shall have been thus suspended, shall afterwards sell by retail any spirituous liquors or wine, he shall be deemed guilty of keeping a tippling-house.

§ 15. They shall have power and authority to suppress by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame, all retailing of spirituous liquors or wines, all riots, routs, breaches of the peace, assaults, batteries, fornication, adultery, disorderly or indecent conduct, vagrancy, disturbances of religious worship, disturbances of the peace and tranquility of said town, and all unlawful gaming done or committed in said town; they shall have full power and authority by ordinance, with suitable penalties, to prohibit hogs and other animals from running at large in the streets or alleys of said town, and to require and compel the abatement and removal of any [and] all nuisances within the limits of said town; they shall have full power and authority to

1868.

pass any and all ordinances that they may deem right and proper, not inconsistent with the Constitution and laws of this State or the Constitution of the United States, for the government, health, and prosperity of said town, and enforce the same by suitable penalties.

§ 16. The said board of trustees shall have full power and authority, a majority therein concurring, to assess, levy, and collect taxes on the value of all estates, real, personal, and mixed, and choses in action, held, owned, possessed, used, or employed in said town, or on such classes of the same as they may designate; but such taxation shall be uniform on each description of property assessed, and shall not exceed twenty-five cents on each one hundred dollars of valuation in any one year; but no tax shall be levied or collected on the choses in action or money of any person except upon the excess of the sum over and above the just debts of such person on the day of such assessment.

§ 17. The board shall annually appoint a town assessor, who shall take in a list of all the taxable inhabitants and owners of property in said town, separately, and affix against each the real estate owned by him in said town, with the value thereof on the tenth day of January in that year in which list was taken; and, also, the true and just valuation of such other estate of each of said inhabitants or owners, whether in goods, stock, or other property owned, used, held, possessed, or employed by him or them in said town, on said tenth day of January, as may be designated by said board, for taxation; which said list shall be made on the oath of the party; or, if the party refuse to give in a list and swear to the same, the list shall be made from the best information the assessor possesses. Two fair copies of said list, arranged in alphabetical order, shall be completed and returned to said board at the regular meeting in March; and any of said inhabitants or owners of property, upon application for that purpose, shall have the right to examine the same; and, if any one should feel aggrieved thereby in an excess of valuation, or otherwise, application may, in ten days, be made to the board, and on proof being made to their satisfaction, the list may be corrected.

§ 18. The board shall also have power, by ordinance, to tax any store, grocery, &c., that may be opened or commenced at any time subsequent to the time fixed upon for the annual assessment, and all itinerant merchants. They shall also have the right to tax auctioneers in said town, not exceeding two per cent. upon all sales of goods, wares, and merchandise, not the product or manufacture of Kentucky, and require them to take out license, with such restrictions as may be necessary to enforce said tax.

1868.

§ 19. The board shall have the right to tax, license, and regulate all carts, wagons, drays, hacks, and porters, which may be plying in said town for hire. They shall also have the power, whenever, in their opinion, the interest of the town may require it, to levy and collect a tax on all dogs in said town, not exceeding five dollars on the head. They shall also have the right to tax not exceeding one hundred dollars for each exhibition or performance or concert given, made, or exhibited for money within said town, and may prohibit them until a license be obtained.

§ 20. Said board of trustees may levy a poll-tax, not exceeding one dollar and fifty cents, on each male inhabitant of said town over twenty-one years of age.

§ 21. When the said taxes are made out and fixed, as herein required, a list shall be placed in the hands of a collector, to be appointed by the board, with their warrant or authority to collect the same. The power of the collector of said town taxes shall be the same as to distraining, advertising, and selling property, as is now granted by law to the sheriffs in the collection of the State revenue and county levy; and, for failing to pay taxes on real estate, the same remedies, by damages and interest, by sale of the real estate, shall exist, and the same lien also exist on the property taxed as in the collection of the State revenue. Bond, with good security, shall be taken, in an adequate penalty, of said collector, payable to the town of Burksville, and he shall be removable at the pleasure of the board. The collector and his sureties shall be liable to judgment, by motion in the Cumberland circuit court, for failing to collect and pay over any sums put into his hands for collection, with ten per centum interest and cost, and five days' notice of such motion shall be sufficient; and there shall be no replevin or valuation of property on execution issued on such judgments. Said collector shall settle his accounts from time to time, as the board may require.

§ 22. The board shall appoint a treasurer, to whom all moneys belonging to the town shall be paid. It shall be the duty of said treasurer to receive from the collector and from all other sources any and all moneys belonging to said town, and give his receipt for the same, and to pay out the same upon the order of the board. No claim or claims shall be paid by him until the same has been audited by the board and allowed. In all cases the payment shall be upon an order drawn by the clerk upon the treasurer, for the amount appearing to be due the claimant, for which order the claimant shall execute a receipt to the clerk; and, upon presentation, it shall be the duty of the treasurer to pay said order out of any funds in his hands belonging to said town. Said treasurer shall execute bond, with good security, to said town, for the faithful discharge of his du-

1868.

ties; and like remedies are hereby given against him and his sureties as in the case of the collector of taxes. It shall be the duty of said treasurer to make out and lay before the board a full and complete statement of all the money received and paid out by him, whenever said board may require him so to do.

§ 23. That the police judge of the town of Burksville shall have exclusive jurisdiction within the limits of said town of all misdemeanors and infractions of the ordinances of said town, and of all causes, civil, criminal, and penal, in which justices of the peace have jurisdiction, and shall proceed in the same manner that justices of the peace are required to proceed in similar cases. He shall be a conservator of the peace, and shall have the same jurisdiction, power, and authority, in all cases, civil, criminal, and penal, within the limits of said town, that any justice of the peace for Cumberland county has; he shall have jurisdiction of all offenses or causes arising out of the by-laws or ordinances of said town, passed by the board of trustees, for the enforcement of the powers granted them by law; he shall have power to issue summonses for witnesses in all cases pending before him, and to award compulsory process for their attendance; he shall have power to impose fines in all cases of misdemeanor to the amount of sixteen dollars, without the intervention of a jury; and shall have the right to imprison the person so fined, in the county jail of Cumberland county, until the same is paid by imprisonment, at the rate of two dollars per day; he shall have the same power to punish for contempt as by law justices of the peace now have; he shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace. All trials before the police judge shall be had and held in the town of Burksville. That, upon all judgments rendered by said police judge, either party shall have the right to appeal from said judgment, in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 24. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, and make them returnable before him as police judge; the same shall be directed to the marshal, constable, or sheriff of Cumberland county, and shall be executed or returned under the same penalties as process from justices of the peace. The police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, breach of the peace, or unlawful assembly or affray, or any misdemeanor, or for a breach of any of the laws of the town of Burksville, or any of the ordinances or by-laws of the

board of trustees; he shall be entitled to a fee of twenty-five cents for all other warrants; twenty-five cents for recording judgments; twenty-five cents for rendering judgments; and twenty cents for issuing execution; and twenty cents for continuance; and in all other cases he shall be entitled to the same fees as justices of the peace for similar services. 1868.

§ 25. The marshal shall attend all the meetings of the board of trustees, and all the sessions of the Burksville police court, and preserve order under his or their direction; he shall execute all process emanating from the Burksville police court. He may be appointed town collector of taxes, and shall be entitled to receive the same fees and commissions therefor that sheriffs and constables are allowed for similar services. He shall execute bond before the chairman and the board of trustees to the Commonwealth of Kentucky, conditioned faithfully to discharge all the duties of his office, and to pay over to the persons entitled thereto all sums of money that may come to his hands. He and his securities shall be liable by motion to judgment in the courts having jurisdiction in favor of any person or corporation entitled to money collected by said marshal, in like manner as constables are by law now liable; and shall be liable to suits and motions in any court having jurisdiction of the amount in all cases of delinquency or breach of official duty, in like manner as sheriffs and constables are for similar delinquencies and breaches of official duty. He shall [have] full power, within the said town to serve all process and precepts to him directed from the police judge, any justice of the peace, the judge of the Cumberland quarterly court, and make due return thereof; and shall levy and perfect executions upon all orders and judgments of the police judge, justices of the peace, or judge of said quarterly court. He may serve notice and make due return thereof, and for his services he shall receive the same fees and commissions as sheriffs or constables are by law entitled to receive for similar services, where it is not otherwise provided for by this act. He shall be entitled to a fee of one dollar for serving a peace warrant, or a warrant for a riot, rout, breach of the peace, affray, or unlawful assembly, and for all warrants where a fine is to be assessed by a jury before the police judge, justice of the peace, or judge of said quarterly court; and to the same fees from the State, to be paid out of the Treasury and county levy, for serving felony warrants, as a constable is for like services; and in the exercise of the powers herein conferred he shall be governed in all cases by the laws governing constables, and be liable in the same manner, and to the same extent, as sheriffs and

1868.

constables are in like cases for non-performance of any of the duties enjoined in this act.

§ 26. Should a vacancy occur in the office of police judge or town marshal, the same may be filled until the next regular election by appointment of the board of trustees.

§ 27. If, from any cause, the election provided for in this act for chairman and trustees is not held at the time herein provided for, the county court of Cumberland county shall, by an order entered upon said county court record, appoint a chairman and four trustees to act until the next regular election, who shall take the same oath [of] office, and have the same powers and authority, as if they had been elected as required by this act.

§ 28. The first board of trustees elected or appointed under this act may, within twenty days after their election or appointment and qualification, proceed to levy and collect the annual and all other taxes provided for by this act, for the year 1868, appoint an assessor and collector for said year, as provided for by this act, and fix the time at which the said assessor shall report his list.

§ 29. The board of trustees shall have full power to appoint a street commissioner and direct him to notify the hands residing in said town, who are subject by law to work on roads, to attend at any time they may deem proper, with suitable tools, to work the streets, alleys, and roads within the limits of said town; and any person failing to attend, when notified by said street commissioner, or who shall fail to work on said streets, alleys, and roads, shall be subject to a fine of one dollar and fifty cents for every day they so fail to attend and work; said fine to be recovered by warrant in the police court, and collected as other fines assessed by the police judge.

§ 30. The times for holding the police court for the trial of civil causes shall be regulated in the same manner that courts of justices of the peace are now regulated by law. Said court shall be regarded as open and in session at any and all times, except Sundays, for the trial of criminal and penal causes, or any cause arising out of a violation of the by-laws or ordinances passed by the board of trustees.

§ 31. That all laws heretofore passed that are inconsistent with this act be, and they are hereby, repealed.

§ 32. That this act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1016.

1868.

AN ACT to amend the several acts incorporating the Town of Williamstown, in Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the inhabitants of the town of Williamstown, in the county of Grant, be, and they are hereby, incorporated and made a body politic and corporate, under the name and style of the "Town of Williamstown;" and in said name shall have full power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered; to do and perform all such other acts and things, either in law or equity, as bodies politic and corporate having perpetual succession may rightfully do.

§ 2. That upon the first Monday in June next, and on the first Monday in June annually thereafter, an election shall be held in said town, at which the qualified voters of said town shall have the right to vote for the election of a chairman of the board of trustees, five trustees, and a prosecuting attorney and clerk of the board of trustees for said town, whose terms of office shall continue for the next ensuing twelve months after said election, and until their successors shall be duly appointed and qualified.

§ 3. That the chairman and trustees shall be chosen from among the free white citizens of said town, and shall, before entering upon the duties of their stations, severally exhibit a certificate of their election from the judges holding the election, and shall each take an oath that they will honestly, faithfully, and impartially discharge their duties as such.

§ 4. That it shall be the duty of the chairman of the board of trustees for said town to preside at the several meetings of the board of trustees, but shall have no vote except in case of a tie, or when his vote will make a majority; he shall take care that the town laws are faithfully executed; he shall call extra meetings of the board when necessary; he shall sign all drafts for money drawn upon the treasury of said town.

§ 5. That the legislative power of said town is hereby vested in the said board of trustees, who shall, from time to time, have full power and authority to make by-laws and ordinances for the government of said town; for the preservation of good order, decency, and decorum, within the limits of said town; for the preservation of the peace, lives, health, and property of the citizens, inhabitants, and others within said town; for the preservation, repair, and improvement of the streets, sidewalks, and alleys of said town; to require the owners of property in said town to build and repair sidewalks in said town, with such curbing

1868.

as the trustees may require in front of their respective property, to be made of brick, stone, or such other material as the board of trustees may direct. That should the owners of property in said town fail or refuse to make the improvements when required by the board of trustees as aforesaid, then the said board of trustees shall have the power to have the same made; and shall have a lien on the property in front of which they may make such improvements for the costs and expenses thereof; and the circuit court of Grant county shall have jurisdiction and power to enforce such lien upon such property by the appropriate proceedings for that purpose. That the said board of trustees shall have full power and authority over the streets, alleys, and sidewalks in said town, and may direct and compel the improvement thereof, as they may deem for the best interest of said town. They shall have power to tax shows, menageries, or other exhibitions which may be showed or exhibited for money or profit in said town, or within one half mile of the corporate limits of said town, such sum as they, by their by-laws or ordinances, may declare, not exceeding one half the amount taxed them by the State. They shall have the sole power and authority, within the limits of said town, to grant or withhold, as they may think expedient, license for the retail of spirituous liquors: *Provided, however,* That no such license shall take effect until the applicant shall pay the county court clerk for said county the tax imposed by law for such license. They shall have power to tax such persons who shall obtain a license to retail spirituous liquors within said town any sum per annum, not exceeding one half the amount such licenses are taxed by the general laws for State purposes. They shall have power and authority, and it shall be their duty, to suppress permanently, or suspend temporarily, for such length of time as they may deem advisable, the license held by any one to retail spirituous liquors in said town who may, upon investigation, be by them found to have kept, during the period of his license, a disorderly house: *Provided, however,* That before they shall suppress or suspend the license of any one, they shall give to the holder of such license at least five days' notice of the motion; if they suppress the license for the causes aforesaid, they shall declare the license and money paid therefor forfeited; and if the holder of such license shall, after the same shall be suppressed as aforesaid, or shall, during the suspension thereof as aforesaid, presume to sell under and by virtue of such suppressed or suspended license, he shall be guilty of keeping a tippling-house; and the board of trustees shall cause their attorney to prosecute such offender or offenders. That the said board of trustees shall have power, for any violation

1868.

of their by-laws or ordinances, to provide therefor punishment by imprisonment, not exceeding twenty days, or by fine, not exceeding twenty dollars for each offense, except for disturbance of religious worship, riots, routs, unlawful assemblies, breaches of the peace, and keeping a tippling-house or gambling-house, where the fine for each offense shall be any sum not exceeding one hundred dollars, which may be recovered before the police judge of said town, or any magistrate of Grant county. They shall have the power to declare what are nuisances, and to abate and remove the same. They may, from year to year, levy and provide for the collection of a tax on the inhabitants and property within said town, not exceeding fifty cents per annum on each one hundred dollars' worth of taxable property in said town subject to taxation for State revenue, and a poll-tax, not exceeding one dollar on each male person residing in said town, who is twenty-one years of age and over, to be expended by them in the necessary outlays attending the good government of said town, and for the repair, improvement, and preservation of the streets, alleys, and public property owned by said town. They shall have power to regulate the times and places of their meetings, and may change the same at pleasure. They shall have the power to fill all vacancies which may occur in their own body, and to enact laws to compel the attendance of absent members. They shall temporarily fill all vacancies which may occur in any office in said town until such vacancies shall be filled by election as herein provided. In case of the death, resignation, or removal of the chairman of the board of trustees, they shall fill his place *pro tempore* by appointment of one of their own body. They shall have power to appoint annually an assessor and treasurer for said town; and shall, from time to time, define the duties of their assessor, treasurer, town clerk, marshal, and attorney, and fix their emoluments and fees. They shall have power to fix their own fees, and the fees and emoluments of their chairman; but they shall not increase the pay of the chairman or trustees so as to take effect during the term for which they were elected. They shall have power to pass such by-laws as they may deem necessary to protect from desecration or injury the property, shrubbery, tomb-stones, graves, and monuments in the Williamstown cemetery; as also all graves and burying-grounds within the limits of said town. They shall have power, and it shall be their duty, to take from their clerk, treasurer, and marshal, bonds, with security, to be approved by them, in such penalty or penalties as they may deem reasonable, payable to the town of Williamstown, for the faithful discharge of their respective duties; and for a violation, on the part of either of said officers,

1868.

of his bond, suits may be brought and motions made and prosecuted before the police judge of said town, or before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations, that suits are brought and motions made against other officers for failure of duty; and any person injured by a breach of said bonds by any or either of said officers, may maintain his suit or motion thereon. That the said trustees shall have full power to pass all by-laws or ordinances necessary for the carrying into effect all the powers herein granted, and to do all such matters and things as properly come within the police of an incorporated town: *Provided*, That no by-laws shall be passed by them which conflict with the Constitution and laws of this State and of the United States.

§ 6. That each white male citizen of the United States who is of the age of twenty-one years and over, and who shall have resided within said town thirty days next preceding any election for any officer or officers for said town, shall be entitled to vote at said election or elections: *Provided*, That any free white male citizen of the United States owning real estate in said town, shall have a right to vote at any election for officers of said town

§ 7. That the chairman of the board of trustees, the trustees, the marshal, police judge, clerk, assessor, treasurer, attorney, and such other officers as the board of trustees may appoint, shall each, before he enters upon the discharge of the duties of his office, take, before some judge or justice of the peace for Grant county, or some person authorized by law to administer oaths, the oaths required by the Constitution of this State, and, in addition thereto, they must swear or affirm that he or they will faithfully and impartially discharge the duties of his or their office according to the best of their skill and abilities.

§ 8. That no person shall be eligible to any office in said town unless he be a free white male citizen of the United States of the age of twenty-one years and over, and shall have resided within said town at least six months next preceding the election at which he may be a candidate.

§ 9. That there is hereby created within said town the office of treasurer for said town; the treasurer shall be appointed by the board of trustees at the first regular meeting after each annual election for trustees, and shall hold his office for one year, and shall, before he enters upon the duties of his office, take the oath of office, and execute bond as required by this charter.

§ 10. That on the first Monday in August next, at next regular State election, and on the first Monday in August in every second year thereafter, at the regular State elections, there shall be elected by the qualified voters of said

town a marshal for said town, who shall enter upon the discharge of his duties, after having taken the oaths of office and executed bond as required by law; he shall, on the first day of January next succeeding his election, take the oaths of office, execute his bond, and enter upon the duties of his office.

1868.

§ 11. That upon the first Monday in August, 1870, at the regular State election in said year, and on the first Monday in August in every fourth year thereafter, at the regular State election, there shall be elected for said town of Williamstown a police judge, whose term of office shall be the same as that of county court judge, and shall be qualified and enter upon the discharge of the duties of his office at the same time that county judges are required by law to enter upon the discharge of their duties.

§ 12. That vacancies in the offices of police judge, clerk, marshal, attorney, and chairman of the board of trustees, shall be filled by an election, which shall be ordered by the board of trustees, of which at least ten days' notice shall be given by the board of trustees, by written notice posted up in said town [in] at least three of the most public places in said town.

§ 13. That all elections for officers of said town shall be held at the court-house in Williamstown. That said elections, except for police judge and marshal, shall be held by such persons as the board of trustees may, from time to time, appoint; and, should any officer or officers so appointed fail or refuse to act, then the other officers present and acting shall, by their own appointment, fill the vacancy or vacancies; and each officer of election shall, before he enters upon the duties of his office, take an oath before some one authorized to administer the same that he will faithfully and impartially discharge the duties of his office; and, in conducting said election, the officers thereof shall be governed by the general laws, so far as the same are applicable.

§ 14. That it shall be the duty of the officers of said election, within three days after the close of each election, to carefully compare the polls and give their certificate of election to the successful candidate or candidates.

§ 15. That it shall be the duty of the attorney for said town to prosecute all violations of the by-laws of said town, prosecute all keepers of houses of public entertainment within said town for any violation of their duties, and prosecute and defend all suits in which the interest of said town may be in any manner involved; and shall receive for his services such compensation, annually or otherwise, as the board of trustees may, by their by-laws, fix and determine.

1868.

§ 16. That the police judge shall be commissioned by the Governor, and, before he enters upon the duties of his office, shall take the oath of office before some one authorized by law to administer oaths.

§ 17. That the police judge of said town shall have jurisdiction, within said town, of civil causes, to the same extent that justices of the peace now have in this Commonwealth. He shall have the same jurisdiction of crimes and misdemeanors committed within said town which is by law conferred upon justices of the peace in this Commonwealth. He shall have full power, and it shall be his duty, upon his own view, or upon information legally given him, to cause the arrest and trial of any one guilty of a public offense or a violation of any ordinance or by-law of said town. He shall have jurisdiction of all offenses against the by-laws and ordinances of said town. He shall have power to enter judgments and issue executions for all fines and penalties for such offenses; and his executions and *capias pro fines* issued by him may be executed by the marshal of said town in any part of the county of Grant, or by the proper officer, anywhere in this Commonwealth. He shall have power to issue *capias pro fines* on any judgments rendered by him for fine and costs. When the defendant or defendants are in custody, or present at the trial when the fine is assessed, he or they shall stand committed until the fine and costs are paid or replevied. He shall have power to commit any one fined by him to the jail of Grant county one day for each two dollars of the fine and costs of prosecution; but such imprisonment shall not satisfy the judgment, but execution may issue thereon against the estate of such defendant or defendants until the fine and costs are paid; but such defendant or defendants shall not be again imprisoned for the same fine and costs. He shall have power to grant attachments, restraining orders, and injunctions, to the same extent and in the same cases which justices of the peace now have; to issue, hear, and determine writs of *habeas corpus* within said county, to the same extent which justices of the peace now can. He shall have power to issue original process in all cases and matters within his jurisdiction, subpoenas for witnesses, attachments to compel their attendance before him. He shall keep good order in his courts, and he shall have power to punish all contempts against his authority by fine or imprisonment, or both—by fine not exceeding five dollars for each contempt, by imprisonment not exceeding three days for each contempt. He shall have power to order the marshal to summon a jury in any case cognizable before him where a jury is required by law. He shall have the same power to issue writs of forcible entry and detainer, and preside at the trial thereof, within said town,

1868.

which justices of the peace now have by law. He shall have the same power to issue attachments for debt, attachment or distress warrant for rent, which justices of the peace now have. He shall have power to administer oaths and certify the same, in all cases where an oath is provided for or required by law. He shall have jurisdiction of all motions and suits against the treasurer, clerk, marshal, and other officers of said town, for delinquencies in office. He shall hold, at the court-house in Williamstown, or at such other place as the board of trustees may hereafter direct, for the transaction of civil business cognizable before him, four terms of court during each year, to-wit: on the first Mondays in March, June, September, and December, and continue at each term until the business be completed. He shall, on the first Monday in each month, hold in said town a court for the transaction of police and penal business, of which he has, by this charter and the general laws, jurisdiction. All process issued by him shall be made returnable to said terms; but he may hold a court at any time for the transaction of police business brought before him. He shall have all the powers conferred by the general laws upon police judges in this Commonwealth. He shall keep a fair record of his proceedings, copies of which shall be evidence in all courts of this Commonwealth. He shall act as his own clerk. His records shall be open to the inspection of any one interested. He shall furnish copies of his records and proceedings, duly certified by him, to any one requiring the same. He shall be entitled to charge and receive for his services the following fees, to-wit: for peace warrant, fifty cents; presiding at trial of the same, fifty cents; taking bond to keep the peace, fifty cents; warrant for riot, rout, breach of the peace, fifty cents; presiding at the trial thereof, one dollar; warrant for violation of any by-law or ordinance, thirty cents; presiding at trial and entering judgment, fifty cents; swearing and empanneling a jury in any case, twenty-five cents; distress warrant or attachment for rent, fifty cents; each execution, thirty cents; *capias pro fine*, fifty cents; granting injunction, attachment, or restraining order, twenty-five cents; *habeas corpus*, fifty cents; presiding at trial of same, one dollar; warrant in civil cases, twenty-five cents; judgment in same, twenty-five cents; each subpœna, twenty cents; taxing costs, in all cases where costs are recovered or required by a party to be taxed, ten cents; filing papers in each case, ten cents. All other fees shall be the same as justices of the peace and circuit court clerk for similar services, and he shall have the same power to issue fee bills as justices of the peace, and they shall be collected in the same way: *Provided, however*, That any citizen of said county of Grant, when sued in the

1868.

police court in any civil case, shall have a right to demand a trial of said case in his magisterial district.

§ 18. That the rules and regulations prescribed by the Codes of Practice of Kentucky for police courts, city courts, and courts of justices of the peace, shall be applicable to proceedings in the police court of Williamstown, and the said proceedings therein shall conform thereto.

§ 19. That appeals from judgments of the police court or police judge of said town shall be allowed to any party interested, under the same rules and regulations, and to the same tribunals, that are allowed from judgments of the county judge or justice of the peace.

§ 20. That all litigants before said police judge of said town shall, for the same cause, and upon the same conditions, have a right to a change of venue to any justices' court or the county judge's quarterly court for said county, as now provided by law for litigants in justices' courts in this Commonwealth.

§ 21. That the marshal of said town shall, by himself or deputy, perform such duties as are required of town marshals by law, and such duties as may, from time to time, be prescribed by the ordinances or by-laws of said town; he shall execute and due return make of all notices issued by the chairman or police judge; he shall collect all taxes assessed in said town, at such time or times as the board of trustees may prescribe; he shall collect and duly execute all writs of executions and *capias pro fines* placed in his hands for execution, and all other demands placed in his hands for collection; he shall duly execute and due return make of all process or precepts which may legally be placed in his hands for execution; he shall, in all things, be governed by the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; he shall arrest and bring to trial all persons guilty of violating the by-laws or ordinances of said town; he shall execute, within the limits of said town, all writs for a violation of the ordinances of said town; he shall execute, within said town, all process issued by the police judge in civil causes within his jurisdiction; he may execute, anywhere in the county, any writ of execution or *capias pro fine* issued by the police judge; he may, with the approval of the board of trustees, appoint a deputy, who shall take the oaths of office required of the marshal; he shall, before he enters on the duties of his office, take the oaths of office required by the charter, and shall, with one or more securities, to be approved by the board of trustees, execute a bond to the Commonwealth of Kentucky, in such penalty as the board of trustees may require, conditioned for the faithful discharge of his duties as marshal.

1868.

§ 22. That the marshal of said town shall be entitled to the following fees for his services: For executing warrant for violation of any ordinance or by-law of said town, fifty cents; summoning each witness, twenty-five cents; summoning a jury, one dollar; and for all other services his fees and commissions shall be the same as those of constables and sheriffs for similar services, and may be collected in the same manner: *Provided*, That the board of trustees may, at any time they may deem fit, increase the fees of their marshal.

§ 23. That all writs issued by the police judge shall run in the name of the Commonwealth of Kentucky; and all prosecutions under and by virtue of this charter shall be in the name of the Commonwealth of Kentucky.

§ 24. That all fines arising under this charter, or for a violation of any [of] the ordinances or by-laws of said town, shall vest in the town of Williamstown.

§ 25. That all acts and parts of acts relating to the town of Williamstown, coming within the purview of this act, are hereby repealed.

§ 26. That the boundary of the town of Williamstown be so extended as to include the property of Thomas Hill, Charles Hammond, W. F. Carter, T. J. Stroud, Dr. J. M. Wilson, and the property of Williamstown cemetery.

§ 27. That this act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1017.

AN ACT to incorporate the Town of Osceola, in Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Osceola, in Green county, be, and the same is hereby, incorporated, with such boundaries, streets, and alleys, and such other public grounds, not exceeding one hundred acres, as are now laid off, and as may be laid out by the trustees of said town; and the said trustees shall make, or cause to be made, a plot of said town as laid out, which plot shall be recorded in the Green county court clerk's office.

§ 2. That there shall be three trustees elected annually, on the first Saturday in May, for said town; that said trustees and their successors in office shall be a body politic and corporate, and known by the name and style of the "Trustees of the Town of Osceola;" and by that name be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in

1868. all courts of this Commonwealth; and that said trustees may have and use a common seal; and shall have all the powers and privileges, and be subject to the same duties and liabilities, as is provided by general law.

§ 3. The trustees of said town shall have power to levy a tax of not more than fifty cents on each poll within its corporate limits, and a tax of not more than ten cents on each one hundred dollars' worth of property in said town subject to taxation; and all forfeitures and taxes collected within the corporate limits of said town shall be paid into the treasury of said town, to be used by the trustees of said town for the public good thereof.

§ 4. That on the same day set apart for the election of trustees of said town, there shall also be held an election, once in every two years, for the purpose of electing a police judge and town marshal for said town; and said police judge and town marshal shall qualify and give bond, and shall be clothed with all the usual powers and privileges delegated to such officers; and they shall be governed and controlled by all laws made binding upon such officers.

§ 5. The county court of said county may appoint trustees, police judge, and town marshal for said town, to hold their offices until the first election and qualification of their successors.

§ 6. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1018.

AN ACT to incorporate the Town of Weston, in Crittenden County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Weston, in Crittenden county, be, and the same is hereby, incorporated; the corporate limits of which shall be the same as the original plat of said town, now of record in the Crittenden county court clerk's office.

§ 2. That there shall be a board of trustees, five in number, to be elected annually, on the first Monday in May of each year, by the qualified voters of said town, any three of whom may form a board to transact business, and who shall, before they enter upon the discharge of their duties, take an oath before some justice of the peace for said county that they will faithfully and impartially discharge the duties of said office.

§ 3. That said trustees, and their successors in office, shall be a body politic and corporate, and shall be known by the name and style of the "Board of Trustees of the

1868.

Town of Weston;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended, in all courts of this Commonwealth; and have and exercise all the rights and privileges which incorporated bodies may lawfully have and exercise, for the purposes contemplated in this act.

§ 4. The trustees of said town shall keep a journal of their proceedings, which shall at all times be open to the inspection of the citizens of said town, and to other persons interested.

§ 5. The trustees shall annually appoint one of their own body, who shall be constituted chairman of said board of trustees, and who shall preside at their meetings, and they shall also appoint a treasurer, who shall be intrusted with the custody and safe-keeping of all moneys and property of the corporation subject to the order of the board of trustees; said treasurer, before he enters upon the discharge of his duties as such, shall execute a bond to said trustees, with good security, to be approved by them, conditioned for the faithful performance of the duties of said office; and for any violation of which any person thereby aggrieved shall have a remedy by suit on said bond in any court having jurisdiction of the amount or damages claimed. It shall also be the duty of the board, for any neglect or violation of duty, to settle up with, and remove said treasurer, and appoint another suitable man in his stead, under like conditions as herein contained.

§ 6. The board of trustees shall also appoint a marshal of said town, who may execute any process placed in his hands by said board of trustees, and charge therefor the same fees as allowed by law to sheriffs for similar services; and shall, in every respect, be governed by the same law and under the same liabilities for a failure to execute process and collect and pay over to the treasurer of the board as sheriffs are; but, before entering upon the duties of said office, he shall execute bond, with security to be approved by the board of trustees, that he will faithfully and impartially discharge the duties of said office, and pay over any money collected by him to the treasurer of the board of trustees.

§ 7. The board of trustees shall have power to pass by-laws and ordinances for the regulation of said town; and shall exercise and possess all the powers and privileges which are, by the general laws of the State, vested in and granted to trustees of towns; and such others as are not contrary to the Constitution and laws of the United States or of this State, for the purpose of securing the quiet and

1868.

good order of said town, and comfort and health of the citizens thereof.

§ 8. The trustees shall have power to levy an *ad valorem* tax not to exceed fifty cents on each one hundred dollars' worth of real and personal property in said town, and a poll-tax of one dollar on each tithe; and they shall have power to tax all shows, theatrical performances, and exhibitions of whatever name or nature, in any sum not exceeding twenty dollars for each day such show, theatrical performance, or exhibition, or public performance, may exhibit in said town, or within one half a mile of the corporate limits thereof. They shall have power to annex and enforce adequate penalties for violations of their by-laws and ordinances. They shall have power and authority to declare what fines and penalties shall be imposed on persons guilty of drunkenness, or any gross, improper, and indecent behavior, in any sum not exceeding ten dollars for every such offense. They shall have power, by their by-laws, to declare what are nuisances, and to abate the same, and impose fines upon those who may cause them: *Provided*, That they shall not assess or impose a larger fine than twenty-five dollars for any one infraction of any ordinance or by-law passed by them.

§ 9. The chairman of the board of trustees shall have the same jurisdiction of crimes, misdemeanors, or offenses against the by-laws and ordinances of said town, as justices of the peace have; and, for this purpose, he shall have the same power as a justice of the peace to issue the proper process for the apprehension of offenders against the laws of this State or by-laws of said town, committed therein by the same, enter judgments, and issue executions thereon, which process or execution may be directed to the marshal, sheriff, or any constable, and executed by them.

§ 10. In all cases of judgments for fines, for a violation of the penal or by-laws of said town, the same fees shall be allowed, and taxed as costs, that are allowed justices of the peace, and shall be collected in the same manner as costs before justices.

§ 11. It shall be the duty of said trustees to open and keep clear of obstructions the streets, alleys, and sidewalks of said town; and to this end they shall have power and authority to impose adequate fines and penalties against persons for obstructing the same; they shall also have power to open new streets and alleys in said town whenever the public convenience may require it, upon payment to the owners of the soil an adequate price for the same, and may receive conveyances from the owners of the ground for the purpose aforesaid; it shall also be their duty to keep in good repair the streets and sidewalks in

said town; and, for that purpose, may use any and all money that may arise from taxes herein provided, or may be collected by them for fines and forfeitures for any infraction of their by-laws. 1868.

§ 12. None but persons who are qualified to vote for State officers, and shall have resided in the limits of said town for thirty days next before an election, or shall be property-holders in said town, shall vote for or hold the office of trustee.

§ 13. It shall be the duty of the trustees to appoint two judges and a clerk to hold the elections for the various officers to be elected under the provisions of this act; and in case there are no trustees, the county judge of said county shall appoint the officers of election, which officers shall be qualified voters of said town.

§ 14. When, from any cause, the chairman of said board is unable to attend and preside at the meetings of said board, they may appoint one of their own number chairman *pro tem.*, who shall preside, and be clothed with all the power and authority of the regular chairman.

§ 15. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1019.

AN ACT to amend the Charter of the Town of Poplar Plains, in Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act incorporating the town of Poplar Plains, in Fleming county, be so amended that the elections of officers for said town shall be held according to the law regulating such elections, found in Revised Statutes, chapter 100, entitled "Towns."

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1020.

AN ACT for the benefit of the Town of Middletown.

WHEREAS, It is represented to the General Assembly that the Middletown Division of Sons of Temperance has long since disbanded; that all the trustees, except one, in whom was vested the title to a certain house and lot belonging to said Division, have died or removed, and that said house is rapidly going to decay; therefore,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John McGarvey, the surviving trustee, be, and the same is hereby, authorized to sell and convey said house and lot; and he is hereby directed, after payment of the necessary expenses of such conveyance, to pay over the proceeds to the trustees of the common school of the Middletown school district, to be used by them in building a school-house.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1021.

AN ACT to amend the Charter of the Town of Germantown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Germantown be, and are hereby, authorized to appropriate so much of the fines and forfeitures as may be assessed by the police judge of said town, or of any justice of the peace, for offenses committed against the ordinances of said town or the laws of this Commonwealth, and committed within the limits of said town, and any other money the said trustees may have belonging to said town, and not specially set apart by law for other purposes, to the building of a suitable room or jail for the confinement of such offenders as may be sentenced to confinement by the courts of said town under the laws of this Commonwealth.

§ 2. That whenever it is lawful for the police judge or a justice of the peace to commit an offender to jail, for an offense committed in said town, it shall be lawful for said offender to be committed to the jail of said town: *Provided, however,* That when an offender is held to bail for trial in the circuit court and fails to give bail, or is ordered to be committed for trial in the circuit court without bail, he shall be committed to the jail of the county in which that part of the town lies where the offense was committed.

§ 3. That the trustees of said town are authorized to appoint a jailer, whose fees shall be the same, for like services, as those of the jailers of this Commonwealth.

§ 4. That the marshal of the town of Germantown shall have jurisdiction and authority to execute all kinds of process in each of the election precincts of Germantown that constables now have, and may perform any of the duties in any part of said precincts now authorized to be performed by constables.

§ 5. That the jurisdiction of the police judge of said town in civil cases shall extend to each of said precincts

of Germantown, and be concurrent therein with justices of the peace. 1868.

§ 6. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1022.

AN ACT to amend the Charter of the Town of Mansville, in Taylor County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky

§ 1. That an act, entitled "An act to incorporate the town of Mansville, in Taylor county," approved February 28th, 1860, be, and the same is hereby, amended so as to allow the qualified voters of said town to elect a police judge for said town, who shall have jurisdiction of all offenses against the by-laws of said town, and also the same jurisdiction in all civil, penal, and criminal cases, that justices of the peace now have; and shall be allowed the same fees for his services as justices of the peace are allowed in similar cases; and shall, in all things, be governed by the general laws now in force in regard to police judges. He shall be elected at the same time that the trustees are elected, and hold his office for two years.

§ 2. That the town marshal of said town shall have jurisdiction coextensive with constables in all civil and penal cases, and in all things shall be governed by the same general laws.

§ 3. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1023.

AN ACT to amend an act, entitled "An act to incorporate the Town of Sharpsburg," approved January 9th, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of police judge is hereby established in and for the town of Sharpsburg, Bath county, Kentucky; and the said officer shall be elected in the same manner, and have the same qualifications, and hold his office for the same length of time, and have the same powers, responsibilities, and duties, as are prescribed by law for the police judge of Mount Sterling.

§ 2. That the amendment to the charter of the town of Mount Sterling, which was approved February 22d, 1865 (Session Acts, 1865, volume 1st, pages 278-281), and the

1868.

amendment to said charter of the town of Mount Sterling, which was approved February 22d, 1865 (Session Acts, 1865, volume 1st, page 283), be, and hereby are, enacted and made a part of the charter of said town of Sharpsburg, as far as the same can be applicable, inserting the name of Sharpsburg in said amendment wherever Mount Sterling is used, so as to make said amendments apply to said town of Sharpsburg.

§ 3. That the trustees of said town of Sharpsburg be, and they are hereby, authorized and empowered to erect a jail or prison-house in said town, or adopt any building already erected or used for said purpose as a jail or prison-house for the confinement of drunken or disorderly persons, and persons violating the ordinances of said town, therein, when duly committed for confinement therein by a justice of the peace or the police judge of said town; and when any drunken or disorderly person is arrested in the night time in said town, the officer making the arrest may commit him to said jail or prison-house until the next morning, when such person shall be tried; and a justice of the peace or the police judge of said town may, on a hearing, commit a drunken or disorderly person, or person violating the ordinances of said town, for a period not exceeding two days, and, in addition, fine such person not exceeding twenty-five dollars.

§ 4. This act shall be in force from and after twenty days from its passage.

Approved March 9, 1868.

CHAPTER 1024.

AN ACT to amend an act, entitled "An act to amend and reduce into one all acts concerning the Town of Versailles."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one all acts concerning the town of Versailles," passed at the present session, be, and is hereby, so amended that no provision of said act shall be construed to authorize, or shall authorize, the authorities of said town to levy any tax upon the capital stock of any incorporated bank now exempted from such taxation by law.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1025.

1868.

AN ACT to amend the Charter of the Town of Middletown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees may annually elect a clerk, marshal, assessor, and such other officers or agents as they may consider expedient, and may require bond and security from them, or any of them, for a faithful discharge of the duties, which bond may be taken in the name of "Middletown," or in the name of the trustees in office for the time being, and may contain any other conditions or stipulations deemed fit and proper by said board; and may be sued on in the proper court and recovery had in the name and for the benefit of said town, as in other cases of official bonds in this Commonwealth. The said officers shall take the constitutional oaths of office, and also to well and truly discharge the duties of their respective offices, as required by law and the by-laws or ordinances of said town.

§ 2. The marshal of said town shall have all the power and authority of a conservator of the peace to execute and enforce the by-laws or ordinances of said town, and the penal laws of the State within said town; and the same board of trustees may require all other necessary and proper duties to be performed by the said marshal, or any other town officer; and may, for cause, at any time, on due notice, remove either of said officers from office and elect another person to fill such vacancy; and may allow each of said officers such salary or pay for his services as the board of trustees may fix by ordinance or by-law.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1026.

AN ACT to amend an act, entitled "An act to incorporate the Town of Providence, in Webster County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Providence, in Hopkins county," approved March 1st, 1860, be, and the same is hereby, re-enacted, with the following amendment, to-wit: strike out the word "Hopkins" wherever it occurs, and insert the word "Webster," and insert "1868" after the words "first Monday in August."

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1027.

AN ACT to legalize the acts of the Police Judge, Town Marshal, and certain Trustees, of the Town of Hardyville, in Hart County.

WHEREAS, On the 6th day of August, 1866, David J. A. Hatcher and James Biggs were appointed trustees to fill vacancies in the board of trustees of the town of Hardyville, in Hart county; and whereas, they immediately entered upon the discharge of their duties in good faith, in connection with F. M. Renfro and A. G. Kelly, the remaining members of said board of trustees; and whereas, on the same day, 6th of August, 1866, F. M. Kelly was elected marshal of said town, and executed bond, and entered in good faith upon the discharge of his duties in good faith; and whereas, on the first day of August, 1867, an election was held in the town aforesaid for the purpose of electing police judge, town marshal, and trustees for said town of Hardyville, at which F. M. Renfro, Samuel Renfro, Thomas Wilson, James M. Biggs, and A. G. Kelly were elected trustees, and J. A. Hatcher police judge, and Lemuel Wade town marshal of said town, all of whom entered upon and discharged the duties, each respectively, of his office in good faith; and whereas, it has since been discovered that there was an error and informality in the election and appointment of said officers of the town of Hardyville; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the acts and deeds of the said trustees, police judge, and town marshal of said town of Hardyville, in Hart county, legally within the purview of their respective offices, are hereby legalized and made of due force and effect, as if no error, unfortunately, had occurred in the election or appointment thereof.

§ 2. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1028.

AN ACT to extend the corporate limits of the Town of Owingsville, Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Owingsville, in the county of Bath, be, and the same are hereby, so enlarged and extended as to include the ground within a boundary of one square mile, having for its center the court house door, fronting on Main street, in said town: *Provided*, The trustees of said town shall have no power to assess, levy, or collect any of the property contained in said

extended boundary, except upon dwelling houses, business-houses, offices, trade shops, and other buildings adjacent to either, together with the lot or lots upon which such improvements shall be located now, or which may hereafter be laid off, including all grounds and gardens.

1868.

§ 2. That the charter and all laws applicable to said town not in conflict with this act are hereby extended over the boundaries added to said town.

§ 3. That the trustees of said town are hereby required to have made out and recorded in the office of the clerk of the Bath county court a plot of said town, including the additional; said plot, when so recorded, shall be evidence of the limits and boundaries of said town.

§ 4. That all expenses incurred to the addition, the survey, plat, and recording, shall be paid by the trustees.

§ 5. That this act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1029.

AN ACT to amend an act, entitled "An act to amend the Charter of the Town of Munfordville."

WHEREAS, It is represented to the present General Assembly of the Commonwealth of Kentucky, that the boundaries of the town of Munfordville, in Hart county, as originally laid out and as added to from time to time, includes over two hundred acres of land, but a small part of which is used for town purposes; that a considerable portion of said boundary has, from time to time, been inclosed in fields and used for agricultural purposes, because not needed for the purposes of said town, in consequence of which, such of the streets of said town as were not especially needed by the inhabitants of said town were closed; that enough of the streets of said town for the use of the people thereof for some time to come are open to the public; that on account of the permitting of the streets of said town aforesaid to remain closed, the trustees of said town have been indicted in the Hart circuit court, and are liable to be indicted from time to time, and put to great trouble, cost, and expenses, by reason of which it is doubtful whether persons will consent to serve as trustees of said town; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all of the streets of said town which have been heretofore closed up by private persons shall remain closed, except as hereinafter provided: *Provided*, That while so closed as aforesaid, under the provisions of this act, the act of limitation shall not run against the citizens

1868.

of said town or the trustees thereof; and that, so far as they remain closed by virtue of this act, no possessory or other rights shall mature to the occupants thereof, but their rights to the same shall remain as at the passage of this act.

§ 2. Whenever the trustees of said town shall desire to have any of the streets, closed by virtue of this act, opened, they may apply to the county court of said county to appoint three commissioners to ascertain whether the interest of the citizens of said town requires said streets to be opened, who, after being first sworn, shall proceed to perform said duty and report to said court; whereupon, persons having such streets inclosed or obstructed shall be summoned to appear at the next term of said court, not commencing within less than ten days, and show cause against the opening of such streets. Upon the hearing of said report said court may, if they think the same needed for the use of the people of said town, order the street or streets to be opened for such use; any party to said proceeding may appeal to the circuit court and court of appeals within the same time and in the same manner as in cases of the changes of public roads of this Commonwealth. The unsuccessful party shall pay the cost of said proceedings, provided they are apprised by any one; if it is not, the trustees shall pay the cost of such application.

§ 3. That the county court of Hart county may, on the application of any person, appoint the commissioner to ascertain and report whether the closing of any particular street of said town will injure the people of said town, or any individual or individuals, who, after being first duly sworn, shall perform said duty and report to said court, who, upon the coming in of said report, shall enter an order warning all persons whom it may concern to appear in said court and show causes against the confirmation of said report, a copy of which shall be posted up by the clerk of said court upon the court-house door, and two other public places in said town.

§ 4. At the next term of said court next commencing, within less than ten days after the posting up of such order, the trustees of said town, or any individual or individuals who may be concerned, may appear and show cause against such confirmation. Whereupon the said court shall determine said question; any party may appear as hereinbefore provided, and the unsuccessful party shall pay the cost of the proceedings upon the appeal.

§ 5. If the court shall confirm said report, it shall order such streets to be closed, upon the condition that, if the same shall be thereafter needed for public use, it may be ordered to be opened by said court upon such terms as may be properly a proceeding similar to the one first here-

in set forth; but the party in possession shall not be entitled to any pay therefor.

1868.

§ 6. The trustees of said town shall, on the application of any person or persons aggrieved by the closing or obstructing of any street or alley under this act, in said town, or by the permission herein granted, of allowing to remain closed or obstructed any streets or alleys in said town, shall immediately take such proceedings as is herein provided, for the opening of said streets or alleys, and, in all cases, shall pay the costs of such proceedings, except in cases whereon appeals are taken; and in cases of appeals from the judgment or orders of the county court to the circuit or other courts, the unsuccessful party shall pay the cost of such appeal.

§ 7. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1030.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the town of Georgetown."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chairman and board of trustees of the town of Georgetown shall have power to pass ordinances prohibiting the erection of buildings of wood in any part of said town, whereby valuable and permanent improvements may be subjected to damage by fire; and whenever, for protection against loss by fire in said town, they may deem it necessary to regulate and control the construction, size, and height of all new buildings hereafter to be erected in said town; and such ordinances may prescribe suitable fines and penalties for the violation thereof.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1031.

AN ACT repealing an act to prevent the sale of spirituous, malt, or vinous liquors, in the Town of Grundy, in Pulaski County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prevent the sale of spirituous, malt, or vinous liquors in the town of Grundy, in Pulaski county," approved February 12th, 1867, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1032.

AN ACT to prohibit the sale of intoxicating liquors in the town of Foster, Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first day of March, 1868, no license shall be granted by the judge of the Bracken county court, or by the board of trustees of the town of Foster, Kentucky, to vend or sell spirituous, malt, or vinous liquors by retail in said town, or within two miles square of the incorporated limits of said town: *Provided*, That druggists and store-keepers in good standing may be licensed without fee by the trustees of said town to sell the same for medicinal purposes alone, upon the person or persons so applying for license taking an oath before the police judge of the said town to the effect that they, or any person within their employ, will not sell spirituous liquors to any person except on the written order of some resident practicing physician of sobriety, in good standing in his profession, stating the date of the order, the person to whom to be sold, the amount to be sold, that it has been prescribed by him as a medicine, and signed by the physician; and the order shall only be good for one selling.

§ 2. Any person selling less than five gallons at any one time shall be deemed a retailer within the meaning of this act; and when five gallons is sold it shall all be removed at the time of purchase and sale; and if any part of it is left at the place of sale with the knowledge or connivance of the seller, shall constitute him a retailer.

§ 3. Any person violating the provisions of this act shall be fined a sum not less than twenty-five dollars nor more than fifty dollars, in the discretion of a jury, and a *capias pro fine* may issue instantan on the judgment—one fourth of the fine to go to the use of the informer, and the remainder to the trustees, to be expended on the streets and wharves of said town.

§ 4. Any person who shall attempt, by any decree whatsoever, to evade the provisions of this act, shall be deemed a retailer; and any physician who shall give an order for liquor for the purpose of evading this act, or who shall give such order without being fully satisfied of its necessity as a medicine, shall be liable to the same punishment as though he had sold the liquor himself.

§ 5. The police judge of the town of Foster shall have jurisdiction concurrent with quarterly courts of Bracken county of all offenses against this act.

§ 6. Prosecutions under this act shall be in the name of the town of Foster.

§ 7. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1033.

1868.

AN ACT to amend the Charter of the Town of Crittenden, in Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws and parts of laws relating to the town of Crittenden, in Grant county, be, and the same are hereby, repealed.

§ 2. That the town of Crittenden, in Grant county, be, and the same is hereby, established, and shall be contained within the following boundaries, viz: Beginning at a stake ten poles north of the point where the old turnpike gate stood, on the Covington and Lexington turnpike road; thence west forty poles to a stake in a field, formerly the property of the late Charles Daniels; thence north twenty-five, west thirty-eight poles, to another stake in said field; thence north two, west one hundred and twenty-two poles, crossing the Alphin road, to a stake in the land formerly occupied by A. Kezia; thence east one hundred and sixty poles, crossing the Sayers road, to a stake in a field formerly owned by Preston Cummins, but now by —; thence south two, east one hundred and twenty-two poles, to a stake near a branch; thence south twenty-five, east thirty-eight poles, to a stake on a hill-side; thence west to the beginning; and the same is hereby incorporated under the name and style of "The town of Crittenden;" and by that name may sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this Commonwealth; may make, have, and use a common seal, and alter, break, or renew same at pleasure; and shall have and exercise all such powers and privileges as usually appertain to bodies politic and corporate.

§ 3. That, on the first Monday in April next, and on the first Monday in April annually thereafter, an election shall be held in the town of Crittenden for the choice of chairman and six trustees for said town; and, at said election, all qualified voters of said town, resident six months preceding said day of election, and all qualified voters of this Commonwealth owning real estate within the limits of said town, shall be permitted to vote; and at the first election any two of the following named persons shall act as judges thereof, to-wit: D. E. Craig, J. T. Daniel, Thomas Rouse, T. S. Watkins, and A. S. Byers, who, before holding said election, shall take an oath before some justice of the peace for Grant county faithfully to discharge the duties of judges of the election as aforesaid, and shall have power to appoint a clerk for the occasion, who shall take a similar oath, and shall issue and deliver to that person who shall have received the largest number of votes for the office of chairman of the board of trustees a cer-

1868.

tificate of his election, and like certificate to each of the six persons who shall have received the highest number of votes for the office of trustees of said town, as well as to all officers of said town. The election thereafter shall be conducted by the board of trustees, and the certificates above provided for shall be issued and delivered by the clerk of the board; and said judges so acting shall appoint the place within the limits of said town at which the first election shall be held, and afterwards the elections of officers of said town shall be held at such place as the board of trustees shall designate; and they shall give notice thereof, at least ten days before the several elections, by written advertisements posted up in three or more public places within the limits of said town.

§ 4. The chairman of the board shall be a citizen of the town for at least twelve months preceding the election of the same, and shall hold the office for twelve months from the day of his election and until his successor is duly elected and qualified. He shall preside over the board of trustees at their several meetings, but shall have no vote except in case of tie. He may convene the board at any time, by giving one day's notice in writing to the members thereof; and he shall have the general executive authority of the town. He shall, before entering upon the discharge of his duties, take the oath of office required by the Constitution of this Commonwealth.

§ 5. The trustees of the town of Crittenden shall hold their office for the term of twelve months from the day of their election, and until their successors are duly elected and qualified. They shall each, before entering on the duties of their offices, take the oath required by the Constitution of this Commonwealth. They shall hold their regular meetings at least once a month, and as much oftener as they may deem necessary, at such a time and place as they may designate; and shall have power to enact by-laws for the government of said town, for the preservation of the peace, health, lives, and property of the inhabitants and others of said town, for the preservation, repair, and improvement of the streets and alleys of said town, and for such other matters as properly come within the police of an incorporated town. They shall have power to license hotels, and shall have power to provide punishments for all violations of their by-laws by fine or imprisonment or both: *Provided*, That no punishment shall be lawful that exceeds the punishment prescribed by the laws of this Commonwealth for same offenses. They shall, from year to year, lay and provide for the collection of a tax on the inhabitants and property within said town, not exceeding fifty cents per annum on each one hundred dollars' worth of property, and not more

1868.

than fifty cents per annum for each tithable, to be expended by them in necessary outlays attending the good government of said town, and for the repair, improvement, and preservation of the streets and alleys of said town: *Provided*, That no by-laws shall be passed which in anywise conflict with the Constitution and laws of this Commonwealth or the laws of [the] United States. They shall regulate the time and place of their meetings, from time to time, as may seem proper; and may enact a law to compel the attendance of the members; and, in case of a vacancy or vacancies in their numbers, occasioned by death, resignation, or otherwise, they shall have power to call an especial election, by giving notice as aforesaid of the time and place, at which elections the same rules and regulations shall be observed as at general elections for said officers. They shall annually appoint such persons as shall have received a majority of the votes at the annual town elections to fill the offices [of] town clerk, town treasurer, and town marshal, and regulate the amount of the penalties of each of their bonds, payable to the corporation, if any shall be deemed necessary; and to fill, by appointment, all vacancies that may occur in either of said offices. The chairman shall see that all town laws are faithfully executed, call extra meetings of the board when necessary, and, in case of his absence, death, or resignation, the board shall appoint one of its own members to fill his place *pro tempore*. The board of trustees shall define the duties of the town clerk and treasurer, and, from time to time, fix their emoluments and fees, as well as the emoluments of chairman and marshal.

§ 6. A marshal for said town shall be chosen by the qualified voters thereof biennially, at the same time and place that the trustees are elected, who shall be a resident of said town at least six months next before his election, and who shall possess all the requisites of a qualified voter of said town. He shall hold his office for two years from the date of his election, and until his successor shall have been elected and qualified. Before entering upon the duties of his office, he shall take the oath prescribed by the constitution and laws of this Commonwealth for constables, and enter into bond, payable to the Commonwealth, with sureties, to be approved by the board of trustees, the same as bonds of constables, which shall have the same force and effect that bonds of constables now have; and said marshal and his sureties shall be liable to like actions thereon. His duties shall be to execute by himself all process for infraction of the town laws, and any other process issued by the police judge of said town, to him directed and delivered, and shall receive the same fees therefor that consta-

1868

shall receive for like services, and to do and perform such other duties as may be required of him by the said board of trustees. He may, within said town, execute any process directed to him from any justice of the peace or presiding judge of the Grant county; and in all cases shall have the same powers and be amenable to the same laws as constables now are. The bond of said marshal shall be carefully kept by the board of trustees, and, in suits or motions thereon, a certified copy of same by the town clerk shall be evidence in all courts in this Commonwealth. The fees of the marshal [shall] be the same as are now prescribed by law for constables for like services.

§ 7. A treasurer for said town shall be chosen, who shall be a resident of said town six months preceding his election by the qualified voters thereof, annually, at same time and place that trustees are chosen, who, before entering on the duties of his office, shall execute bond, payable to the town of Crittenden, with good security, to be approved by the board of trustees of said town, in such penalties as may by them be prescribed, conditioned for the faithful performance of his duties, and to account for and pay over all the money which may come to his hands.

§ 8. There shall be elected by the qualified voters of said town, on the first Monday in April, 1868, and biennially thereafter, a police judge, who shall be styled the Police Judge of the town of Crittenden. The same shall be commissioned by the Governor, and who shall continue in office for the space of two years, and until his successor is duly elected and qualified. No person shall be eligible for said office who is not and has not been a resident of said town for six months next preceding his election. Before he enters on the duties of his office, he shall take the oath of office prescribed by the Constitution and laws of this Commonwealth for justices of the peace. He shall have the same jurisdiction in civil cases in said town as justices of the peace now have, and appeals from his decision shall lie to the same courts and under same rules as from justices of the peace. He shall have power to issue executions on all judgments rendered by him, and all other process arising in suits before him, and make all orders necessary for the complete and sufficient exercise of the judicial powers vested in him. He shall have power to punish, by fine or imprisonment, all contempts of his authority, not exceeding ten dollars fine, and twenty-four hours imprisonment for each offense, at his own discretion. All process issued by him shall run in the name of the Commonwealth of Kentucky, and in civil cases shall be directed to the marshal of said town, who shall have power to execute them within the limits of said town, who shall receive the same fees therefor as are now

1868.

allowed to constables; but said process may be executed by any constable in Grant county, who shall have power to execute same within the limits of Grant county. In penal or criminal cases his process shall be directed to the marshal or any constable or sheriff of this Commonwealth, who shall have power to execute same within the limits of the State of Kentucky. Said police judge shall have power to grant attachments, injunctions, and provisional remedies, in all suits in which he has jurisdiction. He shall have power to cause a jury to be summoned in all cases before him when a jury may be required and allowed by law. He shall hear and determine all motions against the town marshal for any and all failures to execute and return any process to him directed, and which shall come to his hands; and for any and all failures of said marshal to account for and pay over any money by him collected on execution or other process. He shall have same power to take and certify depositions that justices of the peace now have, which shall be allowed to be read as depositions are now allowed to be read when taken and certified before justices of the peace. He shall have exclusive jurisdiction of all offenses against the by-laws and ordinances of said town. He shall have power to administer all oaths by law authorized to be administered; and a violation of any oath by him administered shall subject the person so violating to all the pains and penalties of the crime of perjury. He shall have the same fees for his services as are now allowed by law to justices of the peace; and, in addition, he shall be allowed for swearing a jury, and presiding over a trial by suit in criminal and penal cases, one dollar; for a warrant for a violation of any ordinance of said town, fifty cents; for hearing and determining a motion against the town marshal, one dollar. The said police judge shall hold his courts in said town in the months of May, July, September, November, January, and March, on the first Tuesday in each, and to continue five days if the business shall require it; and no judgment in civil cases shall be rendered by him unless the process therein shall have been executed at least five days previous to the first day of the term of his court; but that the same shall be continued till the next term of his court; and he shall grant change of venue to the nearest justice of the peace, upon application, according to law in such cases made and provided, unless the parties should otherwise agree. He shall keep a complete record of all proceedings had before him, and certify copies of same whenever same shall be required of him; and copies so certified by him shall be evidence in all courts of this Commonwealth for all purposes for which they may be lawfully used.

1868.

§ 9. That so soon as the police judge shall have been elected as provided for in this act, ~~the~~ persons appointed by this act to conduct, and who do conduct, the first election of judge, shall certify said election of police judge to the Governor, who shall thereupon issue a commission to the person so elected, and afterwards the certificate shall be made to the Governor by the board of trustees, and who shall commission each succeeding police judge of said town upon the receipt of said certificate.

§ 10. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1034.

AN ACT to incorporate the Clifton Kentucky River Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lewis Sublett, James T. Berryman, Joel Twyman, S. H. Robinson, Henry L. Graddy, James W. Brookie, J. Hart Gibson, C. Miller, J. P. Gray, and Henry Craig, of Woodford county; and Armisted Miller, J. B. Bush, Benj. Nelson, Jas. A. McBrayer, Allen Wash, R. J. McGriddy, James D. Parker, and C. M. Lillard, of Anderson county, and such others as may be associated with them, shall be, and they are hereby, made a corporation and body corporate and politic, under the name and style of the "President and Directors of the Clifton Bridge Company;" and by that name and style shall have regular succession; may sue and be sued, plead and be impleaded, in all the courts of law and equity in this Commonwealth; and have and possess all the powers incident to a corporation necessary to carry into effect the objects of this act. The capital stock shall be fifty thousand dollars, and divided into shares of fifty dollars each. The capital stock may be increased by the president and directors to such amount as may be necessary to construct a bridge across Kentucky river at any point between Berryman's Ferry and the northern boundary of the town of Clifton, in Woodford county, and to any point on the bank of the river, in Anderson county, that said president and directors may determine to construct the same; which stock may be subscribed for at such times and places as any of said commissioners heretofore named may deem proper; and they are authorized to open books for subscription of stock, from time to time, as to them may seem proper, until the whole stock shall be subscribed. They shall procure one or more books, and the subscribers therein shall sign an obligation as follows, to-wit: "We, whose

names are hereunto subscribed, do respectively promise to pay to the Clifton Bridge Company the sum of fifty dollars for each share of stock set opposite our respective names, subject to the rules of the charter of said company."

1868.

§ 2. That, as soon as the sum of ten thousand dollars is subscribed, they shall give public notice, written or printed, and set up at least fifteen days, in six public places in the counties of Woodford and Anderson, or in some public newspaper at least two weeks, calling a meeting of the stockholders at Clifton, at such times as they may appoint, for the election of a president and five directors; and each and every stockholder shall have one vote for each share of stock he or they may own, and may vote in person or by proxy, and each year thereafter the stockholders shall meet at Clifton on the first Monday in April, and elect a president and five directors for the ensuing year, and until their successors are elected. And after the first election, the same notice shall be given by said president and directors as is required in the first election; and should they fail to give said notice fifteen days before the first Monday in April, notice may be given, and the election held at any time the directors may designate.

§ 3. The president and directors shall have power to make calls on the stockholders for such proportions of the stock so subscribed, and collect it as they may, from time to time, deem necessary; and they may let out to any undertaker or contractors the building and construction of said bridge; and shall have and possess full power to make contracts with any individual for stone, timber, or materials of any kind necessary to be used in its construction, and to receive, by gift or purchase, any conveyance of lands, on either side of said river, for the abutments, toll-[house], and necessary avenue leading to said bridge.

§ 4. Upon the completion of said bridge, the president and directors may appoint a toll-collector, at such wages as may be agreed upon, to demand and receive [of] all travelers and other persons passing over said bridge such tolls as they may deem proper: *Provided*, That such tolls shall, in no case, exceed the tolls charged or allowed to be charged by the toll-bridge company at the bridge across the Kentucky river at Frankfort to persons not citizens of Franklin county.

§ 5. The president and directors shall cause a dividend of the net profits arising from the tolls of said bridge to be made annually among the stockholders; but no dividend shall be made to any stockholders who may be in arrears.

§ 6. That it shall be lawful for the county courts of Woodford and Anderson counties to take stock in said bridge company to the amount of twenty-five thousand dollars or less, each, so soon as it is sanctioned by a major-

1868.

ity of all the votes cast in either of said counties cast for and against it, in either of said counties; and it shall be lawful for the county judge of either of said counties, upon the application of the president and directors of said company, or any three of the corporators above named, to issue an order for an election to be held in such county, to ascertain the wish of the voters of such county in regard to the subscription of stock in said company; and such order shall state the amount to be subscribed, and the terms of the subscription to be made under such election. And said county judge shall appoint the proper officers to conduct said election, and the order of the county judge shall, by the sheriff of said county, be posted at every place of voting in said county for at least thirty days next before the holding of such election, and on the election day. And the sheriffs of said election shall ask each voter who offers to vote at said election whether he is for or against the bridge tax. And the clerk, who shall have one column of his poll-book headed "For the Bridge Tax," and another headed "Against the Bridge Tax," and shall record the vote of each voter as he answers the above questions. The poll-books shall be examined and compared by the same officers, and within the same time and in the same manner, as by law is provided in any other election; and if, on comparison and addition, it shall be found that a majority of all the voters voting at said election are in favor of the bridge tax, then it shall be the duty of the county judge to cause the result to be recorded in the order-book of the county court; and said county judge shall subscribe the amount of stock mentioned in the order of election, upon which such vote was taken, in the books of said company; and he shall levy a tax upon all the real estate in said county, not exceeding fifty cents on each one hundred dollars' worth any one year, and the sheriff shall proceed to collect said tax in the same manner and under the same rules and restrictions governing him in the collection of the revenue. Said county stock may be voted as other stock in said company, by an agent of said county court appointed of record.

§ 7. The president and directors are hereby invested with full power and authority to proceed to have a sufficient quantity of land for the abutments, toll-houses, and roads, &c., to said bridge, on either or both sides of said river, condemned for the use of said company; and for that purpose shall proceed in like manner as is now provided by law for condemning private property for public use, under the road laws of this Commonwealth: *Provided*, That the jury, if one be summoned, under a writ of *ad quod damnum*, shall take into consideration the advantages and disadvantages resulting to the owner or owners of such

lands as shall be so condemned for the use of said company: *And provided*, That no appeal or ——— taken on any proceeding shall hinder said company from proceeding to build and construct said bridge. 1868.

§ 8. That said bridge shall be constructed of sufficient height as to admit the passage of all boats navigating said river that the toll-bridge admits the passage of at Frankfort.

§ 9. That the president and directors shall have power to make all needful by-laws and regulations necessary for the care and preservation of said bridge, and regulate the crossing of the same; and to fine any person or persons violating said by-laws, which fines may be collected by any sheriff or constable of Anderson or Woodford counties as other debts; may be applied to the use of said company.

Approved March 9, 1868.

CHAPTER 1035.

AN ACT to repeal an act, entitled "An act to charter the Board of Internal Improvement for Barren County, and for other purposes," approved January 30th, 1867, and the amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to charter the Board of Internal Improvement for Barren County, and for other purposes," approved January 30th, 1867; also, "An act to amend an act, entitled 'An act to charter the Board of Internal Improvement for Barren County, and for other purposes,' approved January 30th, 1867," approved March 5th, 1867; also, "An act to amend an act, entitled 'An act to amend an act to charter the Board of Internal Improvement for Barren County, and for other purposes,' approved January 30th, 1867," approved March 5th, 1867, approved March 9th, 1867, be, and the same are hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1036.

AN ACT for the benefit of the Board of Internal Improvement of Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act passed and approved August the 22d, 1862, be, and the same is hereby, repealed; and the third section of an act passed and approved February 10th, 1841, which the above recited act repealed, be, and the

1868.

same is hereby, re-enacted, and so amended that the State appoint two members to constitute, in part, a Board of Internal Improvement for Shelby County, on or before the second Monday in March in each year hereafter.

§ 2. That so much of the seventeenth section of the original charter as directs the manner of filling vacancies in said Board of Commissioners, be, and the same is hereby, revived, and shall be in full force.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1037.

AN ACT to improve the Navigation of Licking River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Mynhier, George Hamilton, Moses Kirk, Thompson S. Parks, and M. D. Martin, any three of whom may act, are appointed commissioners to go upon Licking river, from its mouth to the mouth of Mason's branch, near Salyersville, in Magoffin county, and ascertain, as near as may be, the cost of removing the mill-dams and other obstructions which materially obstruct the free navigation of said river; and that they shall report to the adjourned session of this General Assembly next January: *Provided*, Said commissioners shall not be allowed more than two hundred and fifty (\$250) dollars, and shall not incur any additional expense.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1038.

AN ACT declaring the North Fork of Licking River a Navigable Stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the North Fork of Licking river, which is the line between Morgan and Rowan counties, be, and the same is hereby, declared a navigable stream from its mouth to Cassidie's Mills, on said stream.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1039.

1868.

AN ACT to incorporate the Allensville and Elkton Turnpike Road Company

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and the same is hereby, established and incorporated, with a capital of twenty-five thousand dollars, to be divided into five hundred shares of fifty dollars each, for the purpose of constructing a macadamized road, to begin at some point on the Louisville and Memphis railroad, in the town of Allensville, and running from thence along or keeping the general course of the present county road, on the most direct and practicable route to Elkton, or intersect the Elkton and Russellville road at some suitable and convenient point on said road near Elkton, under the name and style of the Allensville and Elkton turnpike road company; and as such shall be a body-politic and corporate; and by that name and style shall be competent to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places in this Commonwealth; and with power to acquire, hold, possess, use, and occupy all such real and personal estate as may be necessary and convenient for the site or route of said road, for piers and abutments for all such bridges, culverts, and drains, as may be necessary or required on said road, and lots for toll-houses and residences (not exceeding two acres of land in each lot) for gate-keepers; also the necessary stone, gravel, and earth, for the construction and repairs of said road; and any and every other species of material necessary for the construction and repair of said road; and to have and use a common seal, and the same to alter and renew at pleasure; to make and ordain all such by-laws as may be necessary for the construction, promotion, and repair of said road, and the management of its prudential and financial concerns, not contrary to the Constitution and laws of this Commonwealth or of the United States.

§ 2. That said company shall be, and they are hereby, authorized to increase the capital stock of said corporation for the purpose, and to an amount necessary in continuing and constructing said road eastwardly from Allensville, and branching at some convenient or suitable point to or in the direction to Mason's Mills, and to or in the direction of Bailey's Mills, on Red river.

§ 3. That the road from Allensville to Elkton shall be graded and leveled not less than thirty feet nor more than forty feet wide, and the macadamized part shall not be less than fifteen feet wide; and if the same be continued eastwardly from Allensville, the grading and macadamizing shall continue the same width to the point of branching,

~~1868.~~

where the grading of the branches may be reduced to not less than twenty feet wide, and the macadamizing to not less than eight feet wide; the macadamizing shall be fully eight inches in thickness or depth from side to side, of good sound stone or gravel; and when the road is completed, its greatest elevation or steepest grade shall not exceed three degrees.

§ 4. That J. T. Clark, B. T. Perkins, G. Terry, J. A. Russell, Jno. P. Glass, J. H. Johnson, F. A. Anderson, F. Smith, W. W. Frazer, W. M. Thomas, B. Winston, W. B. Hughes, J. F. Gill, E. Prince, J. W. Bowling, J. T. Mason, J. S. Miller, and B. F. Bailey, be, and they are hereby, appointed commissioners to open books for the subscription of the stock aforesaid, at such times and places as any two of said commissioners may deem expedient. The subscribers of stock shall sign, in a book or books provided for that purpose, an obligation as follows, to-wit: "We, whose names [are] hereunto affixed, do severally promise to pay to the president and directors of the Allensville and Elkton Turnpike Road Company the sum of fifty dollars for each share of stock annexed to our respective names, as witness our signatures, this — day of —, 186—." And whenever two hundred shares of said stock shall have been subscribed, the commissioners, or any two of them, may call a meeting of the stockholders at Allensville, having first advertised it by setting up notices at Allensville and Elkton, and at three or more public places in the vicinity of said road, at least ten days before said meeting; and the stockholders' meeting, in pursuance of said call, shall choose a president and six directors, in whom shall be vested all the powers of the corporation for the construction of said road and the management and direction of its prudential concerns. That each share of stock shall entitle the owner to one vote to each share; and, after election, an annual election shall be held on the first Saturday in July in each year, after 1868; and the president and directors shall hold their office for one year, or until their successors shall be elected and qualified. No person shall be eligible for president or director without he is a stockholder, and shall vacate his office when his successor is elected and qualified; and that the president and directors for the time being may, by election, supply any vacancy which may occur in their own body from any cause; and whenever any annual election shall fail to take place on the first Saturday in July in any year, the president and directors may direct an election on any other day they shall think fit, first giving ten days' notice thereof in five or more public places in the vicinity of the line of road. The president and directors shall, before entering upon the duties of their office, take an oath before some person authorized to administer an oath,

"that they will honestly, faithfully, and justly perform their respective duties," a certificate of which shall be recorded by the secretary in the books of the company; and when the president and directors are qualified, they shall have full control of the subscription books, and shall cause the same to be kept open for the subscription of stock until an amount of stock sufficient to insure the completion of said road is subscribed.

1868.

§ 5. That it shall be the duty of the president and directors to fix the route on which said road shall pass, and for that purpose may employ all necessary engineers, surveyors, artists, &c., at the costs of the company; and they are hereby authorized to take the consent of any or all persons who may be disposed to grant the right of way for said road and the use of rock, gravel, and timber for the use of said road without charge, which being so given, shall be binding to all intents and purposes; and that they are hereby authorized and empowered to enter in and upon the land and inclosures, public roads and highways, in, through, and over which said intended road may be thought proper to pass, and to examine and survey the ground thereof; to examine for quarries, beds of stone, and other material necessary for the completion and repairs of said road. They shall locate on the most advantageous and practicable route, having due regard to economy, and cause a plat to be made out, showing the courses and distances through or over each owner of the land on the route of said road.

§ 6. That it shall be the duty of the president and directors to let out, at any time, and from time to time, as they may deem it expedient, so much of said road as the stock subscribed will pay to build; that they may let any portion of said road to be paid for in the stock of the company, provided it does not exceed the engineer's estimate; and they shall have full power to permit any stockholder to work out the stock in said road that he may have subscribed, or any part thereof, provided he does it at as low a rate as any one else is willing to do it for.

§ 7. That so soon as two miles of said road shall be completed on each or either side of the railroad, two justices of the peace in and for Todd county, who are not interested in the stock of said company, shall be called on to examine the work, and if they shall certify that the work has been done in conformity with provisions of this act, the certificate shall be recorded in the office of the county court of said county; and the president and directors may cause a toll-gate or toll-gates to be erected across said road within not less than half a mile of said railroad, on each or either side of said railroad, and may collect the tolls and duties hereinafter granted to said company from all persons traveling with horses, carriages, carts,

1868.

wagons, cattle, &c.; and so soon as six miles of said road shall be completed on each or either side of said railroad, and the certificate of two justices of the peace as aforesaid recorded in the office aforesaid, the president and directors may cause an additional gate or gates to be erected across said road six miles from said railroad, on each or either side thereof, and may collect tolls and duties at such gate or gates as aforesaid; and, for every additional five miles on each or either end of said road, when completed, and the certificate as aforesaid recorded, a gate or gates may be erected across said road, and tolls and duties collected at such gate or gates as aforesaid.

§ 8. That when said gate or gates shall be erected, it shall and may be lawful for the president and directors aforesaid to employ a toll-gatherer or gatherers, and take bond from him or them, and he or they shall collect and receive toll from persons traveling on or using said road, the same rates as charged by the Louisville and Bardst-town turnpike road company, or the rates fixed or prescribed in chapter one hundred and three of the Revised Statutes: *Provided*, The [president] and directors may allow persons going to, or returning from, church on the Sabbath, or attending funerals, burials, elections, and mills, on single horses, to pass free of toll.

§ 9. That it shall be lawful for any county, town, or justices' district, through, in, or near which said road may pass or be located, to subscribe stock in said turnpike road company, in any amount any such county, town, or justices' district may desire; and the county courts of such county, or trustees of such town, or justices of the peace of such district, are hereby authorized to subscribe the stock, in such amounts as they may determine. But, before any such subscription on the part of any county, town, or justices' district shall be valid and binding, the question shall be submitted to the qualified voters of such county, town, or justices' district in which the subscription is proposed to be made, at such time or times, on some election day, as the county courts, boards of trustees of such town, or justices of the peace of such districts, by order, and notice posted at the voting places in said county, town, or justices' districts, at least ten days before said election, direct; and should a majority of the qualified voters, voting at any such election, vote in favor of subscribing stock in said turnpike road company, it is hereby made the duty of such county court, board of trustees of such town, or justices of the peace of such district in which such vote shall be taken, to make the subscription of stock in the name of their respective counties, towns, or justices' districts; and the county courts, boards of trustees of towns, or justices of the peace of such districts, that may vote for stock in

1868.

said turnpike road, are hereby authorized, empowered, and directed to levy a tax upon the tax-payers of their respective counties, towns, or justices' districts, taxable under the revenue laws of this State, a sum sufficient to pay the amount of stock subscribed, and the costs of collecting the same, as the same matures or becomes due; and the tax-payers of any of said counties, towns, or justices' districts, paying tax to said turnpike road company under the provisions of this act, shall be entitled to stock in said turnpike road company to the amount of taxes they may pay, which shall be issued to them by the president and directors of said company, upon the presentation of their receipts, in amounts of fifty dollars or more; and the county courts of such counties, boards of trustees of such towns, or justices of the peace of such justices' districts, shall have power and authority to enforce the collection of said turnpike road tax as other taxes, and appoint collectors, or require the sheriffs to collect the tax, and take such bonds from them as they may prescribe.

§ 10. That the general laws of the State in regard to turnpike roads be hereby enacted as part of this act, so far as they are applicable, and not inconsistent with its provisions.

§ 11. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1040.

AN ACT for the benefit of the Maxville, Millersburg, and Beech Fork Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and managers last elected of the Maxville, Millersburg, and Beech Fork turnpike road company, may call a meeting of the stockholders thereof, and submit to them whether they will surrender the road to the Washington county court; and if a majority of said stockholders voting, vote in favor of so doing, the president and managers shall have full power to make the surrender: *Provided*, That no such vote shall be taken until ten days' previous notice of the time, place, and objects of the meeting shall have been given by public advertisement at Maxville, Millersburg, Hawkinsville, and four other places along said road.

§ 2. That if said road is surrendered, as provided in the first section of this act, upon a careful vote of said company ordering the same being returned, the Washington county court shall receive said road, and manage it in the

1868. same way that by the existing laws county courts are required to manage public roads.

§ 3. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1041.

AN ACT to incorporate the Hodgenville and Elizabethtown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, to construct a turnpike road on the macadamized or gravel plan, from Hodgenville, in Larue county, to Elizabethtown, in Hardin county, to be known by the name and style of the "Hodgenville and Elizabethtown Turnpike Road Company;" and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts and places; may have and use a common seal, and change or alter the same at pleasure.

§ 2. The capital stock of said company shall be twenty thousand dollars, with the right to increase the same at pleasure, to be divided into shares of one hundred dollars each; and each share shall entitle the holder to a vote in all meetings of the stockholders, and one vote each for every share he or they may hold, in the election of the officers of said company, and for all other purposes.

§ 3. That William B. Read, J. Howard Thomas, Jesse H. Rodman, Wm H. Slaughter, Albert Goodwin, James D. Larue, Samuel Wilson, Samuel Sprigg, Joseph F. Cox, Thomas B. Muford, Alfred H. Kennedy, Alfred M. Brown, Samuel B. Thomas, Martin H. Cofer, Robert D. Goghegan, and Stephen W. D. Stone, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock at such times and places as any three of them may deem expedient; and so soon as three thousand dollars of the stock is subscribed by individuals or corporations, they shall give ten days' notice of the time and place of the meeting of the stockholders, for the purpose of electing a president and four directors of said company, and a majority of whom, and of their successors in office, shall be competent to perform all acts and things authorized by this act to be done by the president and directors of said company; and the management of the fiscal and prudential concerns of said company shall be confided to the president and directors of said company, and their successors in office, to be chosen annually, at such times and places as said president and directors may, from time

to time, direct, and who shall continue in office until their successors are elected or qualified.

1868.

§ 4. That no person shall be eligible as president or director who shall not, at the time, be the owner at least of one share of stock in his own right; and any president or director ceasing to be the owner to that amount shall cease to be president or director, as the case may be, of said company; and said board may at all times fill any vacancy that may occur in said board.

§ 5. The president and directors shall have the power of appointing a treasurer, gate-keeper or gate-keepers, and all other officers or agents necessary to perfect and carry out the objects of this act, and to renew the same at pleasure; they shall have power to require of the treasurer, and all the officers or agents, a bond and security in such penalties as they may sign, conditioned for the faithful performance of the duties incumbent on them as such.

§ 6. The commissioners hereby appointed shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the president and directors of the Hodgenville and Elizabethtown turnpike road company the sum of one hundred dollars for each and every share of stock in said company set opposite to each of our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company. Witness our hands this — day of —."

§ 7. That said road shall be opened at least thirty feet wide; the width of the grade, and its elevation, shall be left to the judgment of the president and directors of said company. That the president and directors of said company shall have the right, when two and one half miles of said road are completed, to erect a toll-gate and receive and collect half toll on the travel and transportation on said road at a rate of toll not to exceed that on the road leading from Louisville to Shelbyville, in this State.

§ 8. That, in order to effect the building of said road, the president and directors shall have the right to procure the release of the right of way from any person or persons over whose land said road may run; and should any person or persons over whose land said road may run fail or refuse to release the right of way, they may institute the proper proceedings in the proper court in the county in which the land lies, and have the same ordered and set apart for that purpose, in the same manner that mill-seats or public roads are now condemned, at the cost of the company.

1868.

§ 9 That any constable's district, through which said road may run or partly run, on application of the president and directors of said company in writing to the county judge of the county in which the district or districts lie, shall order an election to be held in said district, at such time and place as he may designate, in order to ascertain whether or not said district will subscribe stock in said road; but, before said vote shall be taken, said judge shall propose the amount to be subscribed, and post it in writing at three or more public places in the district or districts for at least twenty days before the day of the election; and, when the vote is taken, it shall be propounded by the sheriff of the election to each voter, whether he votes for or against the subscription. Said election is to be held in the same manner that general elections are now held in the State; and, the day after the election, the vote shall be counted; and, should it appear that a majority of all the votes cast were in favor of the subscription, then the said judge shall enter the result on the order-book of the county court, and subscribe the amount so voted to the capital stock of said company; and shall levy a tax annually of not less than fifteen cents on the one hundred dollars of taxable property in the district, and a head tax of not less than two dollars on each head, for the purpose of paying said subscription; but said levy shall not be continued for a longer period than three years; and each tax-payer, when he pays his taxes, shall be entitled to so much stock in said company as his road taxes calls for, and he may assign or transfer the same to any other person; and the sheriff of the county in which said district or districts lie shall collect and account for said taxes in the same manner as he does other taxes, and pay the same over to the treasurer of said company.

§ 10. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1042.

AN ACT to incorporate the Hodgenville and Muldrough's Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, to construct a turnpike road, on the macadamized or gravel road plan, from Hodgenville, Larue county, Kentucky, to intersect the Bardstown and Green River turnpike road, at or near the top of Muldrough's Hill, in said county;

and shall be known by the name and style of the "Hodgen-ville and Muldrough's Hill Turnpike Road Company;" and by that name and style may sue and be sued, plead and [be] impleaded, contract and be contracted with; and have and use a common seal, and alter and amend or renew at pleasure.

1868.
6

§ 2. That the capital stock of said company shall not exceed fifteen thousand dollars, divided into shares of one hundred dollars each; and each share shall entitle the shareholder to one vote in all meetings of stockholders, and for the purpose of electing a president and directors of said company. That the capital stock of said company may be increased or diminished at the pleasure of the president and directors of said company.

§ 3. That J. Howard Thanoy, John Bell, Even R. Hays, Jesse H. Rodman, Wm. B. Read, Samuel Wilson, N. A. Rapier, Hillary S. Johnson, William H. Slaughter, and Robert D. Murray, are hereby appointed commissioners, whose duty it shall be to open books for the subscription of stock to said road at such times and places as a majority of whom may deem expedient; and so soon as two thousand dollars of the stock is subscribed, give ten days' notice of the time and place of the meeting of the stockholders, for the purpose of electing a president and five directors for said company; and a majority of whom, and their successors in office, shall be competent to do business; and all the acts and duties authorized by this act to be done by the president and directors of said company, and the management of the fiscal and prudential concerns of said company, shall be confided to said president and directors, and their successors in office, to be chosen annually at such times and places as the president and directors may appoint, and who shall continue in office until their successors shall be appointed or elected.

§ 4. That no person shall be eligible as president or director of said company who shall not be the owner in his own right of one share of stock in said company; and any president or director ceasing to be the owner of stock to that amount shall cease to be president or director of said company; and said board may, from time to time, fill all vacancies occurring in their board.

§ 5. That the president and directors of said company shall have the power to appoint a treasurer, gate-keeper or keepers, and all other officers or agents deemed necessary to effect the objects and purposes of this act, and to renew the same at pleasure. They shall have the power to require of the treasurer, and all other officers or agents appointed by them, bond and security, in such penalties as they may require, conditioned for the faithful performance

1868.

of the duties incumbent upon them as such, and containing any other conditions or stipulations which they may require.

§ 6. That the company hereby appointed shall procure a book or books and open the same, for the subscription of stock to said company or road; and the subscribers to the stock of said company shall enter into the following obligations in said book or books, to-wit: "We, whose names are hereunto subscribed, do promise to pay the president and directors of the Hodgenville and Muldrough's Hill Turnpike Road Company the sum of one hundred dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions and at such times as shall be required by the president and directors of said company, and agreeable to the act incorporating said company. Witness our hands this — day of —."

§ 7. That said road shall not be opened less than thirty feet wide; and for that purpose said president and directors shall have power to procure and receive releases of the right of way from any person or persons over whose land said road may run, and may institute the proper proceedings, in the proper court, for the purpose of having the right of way over the lands of any person or persons who fails or refuses to give release or the right of way to said company; the width of the grade shall be left to the judgment of the president and directors of said company. The president and directors of said company shall have the right, when two and one half miles of said road shall have been completed, to erect a toll-gate on the same; and when so erected, shall have the right to demand and receive at said gate one half toll on the travel and transport on said road, a rate of toll not exceeding that now authorized to be charged on the turnpike road leading from Louisville to Shelbyville.

§ 8. That should the county judge of Larue county see proper, he may order an election to be held of the qualified voters in constable's district number one, in said county, for the purpose of subscribing stock in said road; and shall fix the sum to be voted for or subscribed, and the time and place of holding the election; and said election shall be conducted and held in the same manner that general elections are now held in this State; and at said election the question shall be propounded to each voter, whether he votes for or against taking the amount of stock fixed and proposed by the county judge; and should a majority of the votes cast be in favor of the subscription of the stock, said judge shall then subscribe said amount so voted for, and shall levy an annual tax on the taxable property of said district as will be necessary to pay said subscription, together with a tax on each tithe of not more than one

dollar on the head: and said tax shall be collected and paid over and accounted for by the sheriff of said county: *Provided, however,* That there shall not be more than three annual levies made for that purpose; and each tax-payer shall have a certificate of stock in said road equal to the amount of the taxes paid by him, which he may transfer at pleasure.

1868.

§ 9. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1043.

AN ACT to amend and revive the Charter of the Perryville and Union Meeting-House Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Williams, James Brumfield, E. S. Montgomery, John Harmon, J. A. Burton, Josiah Williams, and G. S. Caldwell, be, and they are hereby, appointed a board of managers to take charge of the turnpike road in Boyle county, under and by virtue of a charter passed and approved the day of eighteen hundred three. Said act is hereby revived and put in full force and effect, and said managers shall have all the rights, powers, and immunities under, and by virtue of, said act, as a corporate body may or ought to have.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1044.

AN ACT to incorporate the Versailles and McCracken's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, for the purpose of constructing a turnpike road from the town limits of Versailles, on the McCracken's Mill road; from thence to intersect the State road near the bridge crossing Glen's creek, whose capital stock shall be ten thousand dollars, to be divided in shares of one hundred dollars each, which capital stock may be increased by additional subscriptions, in manner and form as the president and directors of said company may think proper, if such enlargement shall be found necessary to fulfill the interest of their act. That a book of subscription for the stock of said company shall be opened in the town of

1868.

Versailles on the first Monday in March next, under the superintendence of Dr. Theophilus Steele, William Rearden, Thomas S. Edwards, Samuel B. Searce, William McDonald, and Harrison Brown, or two or more of them, who are hereby appointed commissioners; and the subscribers to the stock of said company shall enter into the following obligation in said book, to-wit: "We, whose names are hereunto subscribed, do hereby bind ourselves to pay to the president and directors of the Versailles and McCracken's Mill turnpike road company the sum of one hundred dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times as shall be required by the president and directors of said company." The commissioners attending shall permit all persons of lawful age, the county court of Woodford, and the trustees of the town of Versailles, to subscribe for any number of the shares of the capital stock of said company they may think proper. That when fifty shares of the capital stock of said company shall have been subscribed, the commissioners aforesaid, or any two or more of them, shall call a meeting of the subscribers, in the town of Versailles, on some day to be fixed by them, of which meeting they shall give at least twenty days' notice by posting the same in the town of Versailles, for the purpose of electing a president and four directors, to serve until others are elected and qualified; and that all future elections shall be on the first Monday in April, in every successive year, at such place as the president and directors for the time being shall designate. That the company formed and organized as aforesaid shall be, and they are hereby, created a body politic and corporate, in deed and in law, forever, by the name and style of the president and directors of the Versailles and McCracken's Mill turnpike road company; and under the said style and name shall have perpetual succession, and all the privileges, immunities, and franchises of a body politic and corporate; and as such shall be capable of contracting and being contracted with, of purchasing, taking, and holding, to them and their successors and assigns, and of selling and conveying, in fee simple, all such lands and tenements and estates, real and personal, mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, before any and all judicial tribunals whatsoever; and also to make, have, and use the common seal, and the same to break, alter, or renew; and to do any and every act which a body politic and corporate may lawfully do. That the president and directors of said turnpike road company shall be governed, in the location and construc-

tion of said road, as also in all other respects, by the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to amend and reduce into one the several acts to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles," approved February 14th, 1835, which do not conflict with provisions of this act; and they are hereby vested with all the powers and authority, rights and privileges, tolls and emoluments, that are granted the president and managers of the Frankfort, Lexington, and Versailles turnpike road company by the above recited act; and they are also empowered with all the rights, privileges, and benefits of the act, entitled "An act for the benefit of the several turnpike road companies in this Commonwealth," approved February 9th, 1837. That said president and directors shall [not] be bound to macadamize said road more than sixteen feet in width.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1045.

AN ACT to incorporate the Burleyville and Muldrough's Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed and created a body politic and corporate, by the name and style of the Burleyville and Muldrough's Hill Turnpike Road Company, for the purpose of making a turnpike road from Burleyville to Muldrough's Hill, or, at option, making connection with any other turnpike road leading to and connecting with the turnpike road from mouth of Salt river to Elizabethtown, at a point on top of Muldrough's Hill or near it.

§ 2. That S. M. Wrather, D. R. Vanmeter, Virgil Hardin, and Sack Richardson, be, and they are hereby, appointed commissioners, any two of whom may act, to open books for subscription of stock, at such times and places as they may deem proper. The capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; and whenever the sum of eight thousand dollars shall have been subscribed to the capital stock of said company, the commissioners named in this section, or any two, shall give notice by public advertisement for a meeting of the stockholders, for the purpose of electing a president and five directors. One vote shall be allowed for each share of stock, and the president and directors shall continue in office until their successors are elected and qualified. The times and places of all

1868.

elections after the first shall be fixed by the president and directors, and a majority of the board shall be competent to transact business. That sections four, five, six, seven, eight, nine, ten, and eleven, of an act, entitled "An act to incorporate the Bardstown and Chaplinton Turnpike Road Company," be, and the same are hereby, added as additional sections to this charter, or so much as does not conflict with it. The said act is approved January 26th, 1858.

§ 3. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1046.

AN ACT to amend the Charter of the Versailles and Anderson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Versailles and Anderson Turnpike Road Company is hereby amended so as to authorize an increase of the capital stock of said company ten thousand dollars, and so as to authorize said company to build a branch turnpike road from the point where said turnpike now intersects with the old Frankfort road, in Anderson county, at the new toll-house, to a point on the Rough and Ready and Frankfort turnpike, near where Blakemore's branch crosses said turnpike, and also to run a branch of their said road from the point where the Buckley's Ferry road crosses the old Frankfort road aforesaid, with said Buckley's Ferry road, or in that direction, to the Franklin County and Crab Orchard turnpike, near Rough and Ready. Said company to be governed in the construction of said branches in all respects by the provisions of their original and amended charters heretofore passed.

§ 2. That in the construction of said branch roads said company may, by a majority vote of directors of said road, use and apply the tolls arising on the main road: *Provided*, That no such application shall be made of said toll unless a majority of the stockholders in value shall agree in writing that such use may be made of said tolls; nor shall said tolls be thus used until an amount of individual or county stock is subscribed to the building of said branch roads, which, taken together with said tolls, shall be sufficient to complete one or both of said branch roads. And any individual or county stock thus subscribed shall be taken and held as stock in the main road, and shall be joint with the present stock of said company.

§ 3. That the county court of Anderson county may subscribe stock in said company, to be applied to the con-

struction of said branch roads, under an act of the Legislature of Kentucky passed, authorizing said county court to take stock in certain turnpike roads, as though said branches were five miles in length: *Provided*, Said county court shall not subscribe more than one thousand dollars of stock to each mile of the same.

1868.

Approved March 9, 1868.

CHAPTER 1047.

AN ACT supplemental to an act, entitled "An act to incorporate the Harrodsburg and Cornishville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners named in the amendatory act to which this is a supplemental bill be, and they are hereby, directed to locate said road as follows: Beginning at some point on the Danville turnpike, between the first toll-gate and Harrodsburg; running thence to Vanarsdale's Mill; thence to Bohon; thence to the Union school-house; thence to Duncansville; and thence to the county line.

§ 2. This act to be a law from its passage.

Approved March 9, 1868.

CHAPTER 1048.

AN ACT to incorporate the Shelbyville and Belleview Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Tigert, William Harris, Jonathan Harrington, William Bird, and E. P. King, be, and they are hereby, constituted a board of managers to construct a turnpike road: Beginning two and a half miles from the town of Shelbyville; thence to the old ford on Clear creek; thence north on and over such ground, near the old or dirt road, as may be agreed on by the said board of managers, and other parties interested, to George Younts'; and thence to Belleview or any other point of the Louisville and Frankfort railroad (not disturbing any part of the location of a turnpike leading from Button's shop to Eminence, only using such portions of said road as shall be agreed on by said managers and the company constructing said Eminence and Mulberry turnpike road), in all, a distance of about seven miles.

§ 2. That said board of managers are hereby constituted a body corporate and politic, in deed and in law, under the name and style of the Board of Managers of the Shelby-

1868.

ville and Belleview Turnpike Road Company; and under said name and style shall have perpetual succession, and all privileges and immunities and franchises of a body-corporate and politic; and as such shall be corporate and politic; and as such shall be capable of purchasing, taking, and holding, to them and their successors and assigns, and of selling and conveying in fee simple, all such lands, tenements, and estates, real and personal or mixed, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before any and all courts of competent jurisdiction; also have a common seal, and break, alter, or renew the same at pleasure as a body-corporate may lawfully do; a majority of said board shall constitute a quorum to do business.

§ 3. That the capital stock of said company shall not exceed twenty-five thousand dollars, to be divided into shares of fifty dollars each. Said directors shall keep a book of fair register of their transactions; regulate the subscription of stock; draw orders on their treasurer for any sum necessary to pay contracts by them made, and signed by the president of the company, which shall be entered in a book kept for that purpose, subject to the inspection of any one or more of the stockholders.

§ 4. That it shall be lawful for said board to refer to and adopt the general laws embraced in the Revised Statutes upon the subject of turnpike roads, and to use any portions thereof as shall be necessary for them in the prosecution of their work; also to acquire materials to build said road; also to fix upon the rates of tolls to be collected for the use of their road.

§ 5. That the said board of managers shall have power and authority to determine the degree of elevation, width of grade, and width and depth of stone on said road.

§ 6. That when three or more continuous miles of said road shall be completed, they may erect a toll-gate on said road, and appoint a gate-keeper, and charge and collect for the use of same: *Provided*, The rates shall not exceed, in proportion to the distance traveled, the rates now allowed by law embraced in the Revised Statutes.

§ 7. That said board shall have the power to purchase not less than a half acre nor more than two acres of land upon which to erect a toll-gate and toll-house, as may be agreed upon; but, in case of failure to agree, they shall have the right to acquire the same in the way they acquire stone and other materials under and by virtue of laws now in force in this Commonwealth.

§ 8. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1049.

1868.

AN ACT to incorporate the Florence and Anderson's Ferry Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Albert Price, Robert Dulany, M. W. Graves, Benjamin Dulany, T. S. Fish, and Milton Hamilton, and their associates and successors, he, and they are hereby, created a body politic and corporate, under the name and style of the Florence and Anderson's Ferry turnpike company; and by the said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and to have and use a common seal, and break, alter, or change the same at pleasure.

§ 2. The said company is hereby authorized and empowered to construct a turnpike or macadamized road from Florence, in Boone county, to intersect the Dry Creek and Mitchellsville plank road; and, in order to secure the funds necessary to construct the same, shall have power to raise a sum, by the issue and sale of the capital stock not exceeding twenty-five thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That the books for the subscription of stock shall be opened in the town of Florence, and such other places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby made commissioners, for the purpose of obtaining subscriptions to the capital stock of said company; and they shall provide a book or books, which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: "We, whose names are hereto subscribed, do severally bind ourselves to pay respectively to the president and directors of the Florence and Anderson's Ferry turnpike company the sum of twenty-five dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company." And when the president and directors shall be chosen, as hereinafter provided, they shall have full control of said books, and may cause the same to be opened, from time to time, until the entire amount of stock herein authorized is subscribed.

§ 4. That the fourth and fifth sections of an act, entitled "An act to incorporate the Independence and Big Bone turnpike company," approved March 4th, 1865, be, and the same are, a part of this act as fully as though said sections were fully inserted herein.

1868.

§ 5. That the entire width of said road shall not exceed forty feet, and the macadamized part thereof shall not exceed twenty feet; and whenever one mile or more of said road shall be completed, the directors shall call upon the two justices of the peace residing nearest thereto, and not interested therein, to examine the same; and if they shall, by a written statement, to be filed with the county court of Boone county, certify that the same is done in a good and substantial manner, then the said company may erect a toll-gate or gates on said road, and may charge or collect from persons traveling on or using the same, at the rate per mile traveled or used, the following rates of toll, viz: For every hog or sheep, or other small stock, a half a cent; for each head of cattle, one cent; for each horse, mule, or ass, led or driven, one cent; for each person on horseback, one cent and a half; for each pleasure carriage, drawn by one horse, three cents; for each pleasure carriage, drawn by two horses, four cents, and two cents for each additional horse attached thereto; for each cart, drawn by one horse, three cents; if drawn by two horses, five cents; for each four-wheeled wagon or carriage of burthen, if drawn by one horse, three cents, and if drawn by two horses, five cents, and two cents for each additional horse or animal attached thereto; for each dray, drawn by one horse, three cents, and if drawn by two horses, five cents; for each sled or sleigh, drawn by one horse, three cents, if drawn by two horses, five cents; for every carriage, cart, wagon, dray, sled, or sleigh, drawn by any other animal or animals than a horse, shall be paid the same rates of toll as those drawn by a horse or horses.

§ 6. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be parts thereof.

§ 7. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1050.

AN ACT to charter the Cane Ridge and Sharpsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, under the style of "The Cane Ridge and Sharpsburg Turnpike Road Company," to construct a turnpike from or near the Paris and North Middletown turnpike road, in Bourbon county, to or near the town of Sharpsburg, in Bath county.

§ 2. The capital stock of said company shall not exceed thirty thousand dollars, in shares of fifty dollars each. Jno. P. Wilson, S. H. Clay, and James M. Thomas, or any two as commissioners, may receive subscriptions to said capital stock at any time or place. When five thousand dollars thereof is subscribed for, they shall give notice of the time and place of meeting of the shareholders, at which they shall choose five directors to manage the affairs of said company; each shareholder to cast, in person or by proxy, one vote for each share of stock.

1868.

§ 3. Said board shall hold office for one year; they shall elect one of their number president, and such other officers as may be necessary; they shall provide for the election of their successors, and make such by-laws as may be necessary.

§ 4. When three miles of said road has been completed, said directors may erect a toll-gate and charge tolls for the distance traveled as by its charter said Paris and North Middletown turnpike road is permitted to charge; and the provisions of said charter are made applicable to this corporation as fully as if set forth herein at large, except as otherwise provided.

§ 5. Said president and directors may locate their route in any public highway; and may acquire the right of way and materials for the construction of said road according to the provisions of the Revised Statutes, title "Turnpike and Plank Roads."

§ 6. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1051.

AN ACT to repeal an act, entitled "An act for the benefit of the Lancaster and Crab Orchard Turnpike Road Company," approved February 17th, 1866, and to repeal an act amendatory thereto, approved March 9th, 1867, and to revive the second section of an act, entitled "An act for the benefit of the Lancaster and Crab Orchard Turnpike Road Company," approved December 2d, 1851, which was repealed by the act approved February 17th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the Lancaster and Crab Orchard turnpike road company," approved February 17th, 1866, and an act amendatory thereto, approved March 9th, 1867, be, and the same are hereby, repealed; and that the second section of an act, entitled "An act for the benefit of the Lancaster and Crab Orchard turnpike road company," approved December 2d

1868.

1851, which was repealed by the act approved February 7th, 1866, &c, and the same is hereby, revived.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1052.

AN ACT to enable the Washington County Court to take Stock in the Turnpike Roads in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Washington county shall have power to cause a vote to be taken of the qualified voters of said county, at any day designated by said court, in which elections are held under the laws of the State, as to whether or not the said court shall take stock in the turnpike roads in said county. Copies of any such order shall be posted at each voting place in said county, and public places in each district, to be designated by the court, by the sheriff of said county, for ten days beforehand.

§ 2. The clerk of each election precinct shall open two columns on his poll-book, one headed "For the tax for turnpikes," the other "Against the tax for turnpikes." As each voter votes, the officers of the election shall ask him whether he is for or against the tax, and record it accordingly. The board for examining the poll-books for said county shall, at the same time that they examine the poll-books for said county, shall compare and examine said vote, and shall make out two certificates of the result of said examination, one of which they shall give to the county judge, and the other shall be preserved by the sheriff. The county judge shall cause the one delivered to him to be transcribed amongst the orders of said county court, and copies of said certificate from said order-book shall be proof of the vote actually taken on said question in all controversies that may arise concerning the validity of said vote or the tax imposed by reason of said vote.

§ 3. That if it shall appear from said certificate of the vote that a majority of the votes cast were in favor of said tax, it shall be the duty of said court to cause to be summoned the justices of the peace of said county, and the said court and justices, a majority of the said justices being present and ordering the same, shall have power to levy an *ad valorem* tax on all the property in said county subject to be taxed for the State revenue, not exceeding twenty cents on the hundred dollars in any one year, which the sheriff shall collect at the same time and in the same manner, and pay the same over at the same time, that he is now required by law to pay over the county levy,

and shall be entitled to the same commissions; and he and his securities shall be responsible for the non-collection and non-payment of said tax, in the same manner as they are now responsible for the county levy.

1868.

§ 4. The said county court shall not apply more than seven hundred dollars of the money raised by said tax to each mile of turnpike; nor shall they make any appropriation to any turnpike road unless the president and at least two directors of said road shall file a list of the stockholders in said road, accompanied with the affidavit of said president and directors that said stockholders are solvent, their subscription *bona fide*, and that the said stock, together with the amount of said county subscription, will complete said road so far as it is situate in Washington county; nor shall said county subscription be made, unless the road will be at least five miles long when completed, or it is to enable the completion of some road already begun, or it is for the purpose of connecting two turnpike roads together.

§ 5. That the said county shall be entitled to one share of stock for each fifty dollars it may subscribe and pay for in any of said roads, which stock shall be voted by the county judge or some one appointed by him; and it shall have and receive all dividends on said stock which said levying county court may apply in aid of other roads on the conditions herein prescribed, or to diminution of county tax or levy, as it may direct.

§ 6. The said county court shall appoint a treasurer, who shall receive the money raised by taxation under this act, and pay the same out as ordered by the court, who, before he acts, shall give bond in said county court, with good security, faithfully to perform all duties imposed on him, either by the act or said court.

§ 7. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1053.

AN ACT to repeal the Shelbyville and Eminence Turnpike Road Charter, and to incorporate the Eminence and Fox Run Company.

WHEREAS, It is represented that, by an act of the General Assembly of the Commonwealth of Kentucky, approved March 7th, 1850, the Clear Creek Turnpike Road Company was incorporated; and whereas, in said act of incorporation certain sections of an act incorporating the Lebanon, New Market, and Springfield Turnpike Road Company were adopted as part of the Clear Creek turnpike road charter, which are of doubtful meaning and inapplicable; and whereas, by an act of Assembly for the year 1856-7,

1868.

the name of the Clear Creek Turnpike Road Company was changed to that of the Shelbyville and Eminence Turnpike Road Company; and whereas, by an act of Assembly, approved February 6th, 1860, a new company was formed and incorporated, under the name of the Eminence and Shelbyville Turnpike Road Company, with the adoption of the sections aforesaid; and whereas, at a meeting of the board of directors, held in the town of Eminence, March 28th, 1865, pursuant to a written notice and agreement of the stockholders in said road, the stock was sold to the highest bidder, and James H. Drane, Wm. S. Helm, John A. Hornsby, J. C. Booker, Preston Thomas, S. T. Drane, T. G. Dunlap, Robert Armstrong, G. P. Owens, Wm. H. Thomas, E. P. King, Wm. H. Booker, James W. Crawford, James W. Thomas, Henry Maddox, D. N. Porter, Wm. T. Hardin, and E. C. Bright, became the purchasers of the stock in the road; and, at a subsequent meeting of the stockholders, Morris Thomas became a stockholder; and whereas, doubts exist as to the proper interpretation of the charter, and the parties desiring a separate act of incorporation in their own name; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Eminence and Shelbyville Turnpike Road Company, approved February 6th, 1860, be, and the same is hereby, repealed, and that all other acts or parts of acts relating to the rights, franchises, or privileges of said company are hereby repealed.

§ 2. That James H. Drane, Wm. S. Helm, John A. Hornsby, J. C. Booker, Preston Thomas, S. T. Drane, T. G. Dunlap, Robert Armstrong, G. P. Owens, Wm. H. Thomas, E. P. King, Wm. H. Booker, James W. Crawford, James W. Thomas, Henry Maddox, D. N. Porter, Wm. T. Hardin, E. C. Bright, and Morris Thomas, be, and are hereby, created a body politic and incorporate, under the name and title of the Eminence and Fox Run Turnpike Road Company.

§ 3. That they shall have all the rights, profits, and privileges arising from tolls or otherwise, and be subject to the same penalties and forfeitures, as are allowed by chapter one hundred and three of the Revised Statutes, relating to turnpike and plank roads, from section one to section thirty-seven, inclusive, so far as they are applicable.

§ 4. The said turnpike road is declared to extend from the southern terminus of the New Castle and Eminence Turnpike Road Company south to a stone opposite Garnett Reed's south chimney, being the northern terminus of the Shelbyville and Eminence Turnpike Road Company.

§ 5. This act to be in effect from its passage.

Approved March 9, 1868.

CHAPTER 1054

1908.

AN ACT to incorporate the Washington and Anderson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, under the style and name of the "Washington and Anderson Turnpike Road Company;" by that name they may sue and be sue, plead and be impleaded; they shall have perpetual succession, and all the privileges and franchises incident to such corporations; shall be capable of taking and holding their capital stock, of buying, selling, and conveying all such lands, tenements, hereditaments, real and personal estate, as shall be necessary for them to execute the purposes of this charter.

§ 2. That the said company shall have power to make a turnpike or gravel road from some point of intersection with the Springfield, Willisburg, and Maxville Turnpike, to the Anderson county line, in the direction of Lawrenceburg.

§ 3. The capital stock of said company shall be thirty thousand dollars, to be divided into shares of fifty dollars each.

§ 4. The said company may commence the construction of said road whenever ten thousand dollars of said stock is subscribed.

§ 5. That Thomas R. Phelps, Andrew Pinkston, Daniel C. Neatham, Henry Scruggs, B. F. Scruggs, Levy Noel, William Stines, James Shirley, William Sharp, W. H. Bell, William Yates, Sol. Yates, Thomas Trent, James Trent, William Yeager, Aaron Clarke, Waller Jenkins, Green Foster, Hamilton Downing, D. C. Dorsey, Richard Dennis, James Mays, J. W. Benton, George Phelps, J. J. Reddix, Nelson Shirley, or any two of them, are appointed commissioners to receive subscriptions of stock in such company, at such times and places as they may deem proper.

§ 6. That whenever five thousand dollars of the capital stock shall be subscribed, the said commissioners, or any two of them, shall call a meeting of the stockholders for the election of a president and five directors of said company, who shall hold their office for one year and until their successors are elected.

§ 7. The president and directors of said company shall have full power to fill any vacancy that may occur in their board from any cause; to appoint a secretary and treasurer, and remove them at pleasure; and to require of their treasurer bond, with such security, and they may approve the said bond; shall have full power to locate said road

1868. and fix its termini; and to it is intrusted the prudential and fiscal concerns.

§ 8. The president shall, once in each year, call a meeting of the stockholders for the election of a president and five directors, and shall give ten days' notice of the time and place of said meeting.

§ 9. That the said president and directors may let out any portion of said road, to be paid for in original stock issued directly to the party: *Provided*, The costs of said portion does [not] exceed twenty-five per cent. of the estimate of the same made by the engineer employed by said road.

§ 10. That the said company shall have all the powers conferred upon the Danville and Hustonville turnpike road company by the act, entitled "An act to incorporate the Danville and Hustonville Turnpike Road Company," approved March 1st, 1844: *Provided, however*, They may erect a gate and collect half tolls whenever two and a half miles of said road is completed.

§ 11. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1055.

AN ACT to change the State Road leading from Hopkinsville to Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Trigg county shall have jurisdiction to change the State road leading from Hopkinsville to Columbus, and the same is hereby authorized to be changed as follows, viz: To commence about four hundred yards east of P. H. Gardiner's house, in Trigg county, at a white oak marked "A;" and to run from thence west at the foot of the hills, to a white oak marked "B;" thence southwest, intersecting the old road opposite the mouth of the lane east of M. D. Vickers'.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1056.

AN ACT to incorporate the Bracken Turnpike Road Company, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of building a turnpike road leading from Brooksville, in

Bracken county, to the Germantown and Hamilton turnpike road, at or near the present residence of William Yates.

1868.

§ 2. The capital stock of said company shall be ten thousand dollars, to be increased or diminished at the pleasure of the company, to be divided into shares of fifty dollars each.

§ 3. That books of subscription shall be opened by B. G. Willis, G. H. McAtee, W. D. Ratcliff, and Benjamin O. Hollis, who are hereby appointed commissioners for that purpose, at such times and places as they may deem proper. They shall insert in a book an obligation as follows: "We, whose names are hereto subscribed, severally promise to pay to the president and directors of the Bracken turnpike road company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner, and at such times, as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hands this — day of —, 18—."

§ 4. That when three thousand dollars shall have been subscribed to the capital stock, it shall be the duty of the commissioners named to give notice thereof, and call a meeting of the stockholders, at such time and place as they may think proper, for the purpose of electing a president and four directors; one vote shall be allowed for each share of stock; and the president and directors chosen shall continue in office for one year and until their successors are elected and qualified. The time and place of each election thereafter shall be fixed by the president and directors, a majority of whom shall be competent to do business.

§ 5. So soon as said company is organized by election of the officers, the president and directors shall be a body politic and corporate, in fact and law, by the name and style of the Bracken turnpike road company, with the privileges and franchises of a corporation; shall be capable of holding their capital stock and the increase and profits thereof; and holding, by purchase, gift, or otherwise, all things necessary or proper for the prosecution of their work; they shall have power to contract and be contracted with, to sue and be sued, in all courts of law and equity; and generally to do all and every act or thing lawful for a corporation to effect the object for which said corporation was created.

§ 6. Said corporation shall fix and regulate the grade of said road, and its covering with stone or gravel; may designate the place for the toll-gate, fix the rates of toll, not exceeding those prescribed by the general laws. The road being less than five miles long, the said corporation are

1868.

hereby authorized to erect one gate on said road; and when one half of said road is finished, they may erect a gate and collect tolls.

§ 7. It shall be lawful for the officers and employees of the company, with their tools and appliances, to enter upon the lands, over and contiguous to which the road shall pass, for the purpose of procuring timber, stone, or gravel, for said road, having first given notice to the owners or occupants thereof three days. They shall have the right to take and receive the right of way over and through the lands where said road shall be located, and the release of timber, stone, or gravel; and, if they cannot agree with the owners, then the president shall apply to the county court of the county for a writ of *ad quod damnum* to assess the damages for the right of way or for timber, stone, or gravel; and, upon the payment or tender of the damages assessed, it shall be lawful for the company to open said road, and enter upon said land and take the timber, stone, or gravel necessary to do the work pertaining thereto.

§ 8. The commissioners and board of directors may receive subscriptions to be paid in work on said road, subject to such regulations as the board of directors may deem proper.

§ 9. The president and directors shall give notice, as they may deem proper, of the amount of call on each share of stock, and the time and place of its payment.

§ 10. The county court of Bracken county is hereby authorized to take stock in said road company not exceeding one thousand dollars per mile; and the trustees of the town of Brooksville are hereby authorized and empowered to take stock in said company not exceeding five hundred dollars per mile.

§ 11. The president and directors may appoint, annually, such officers as they deem necessary, and prescribe their duties.

§ 12. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1057.

AN ACT to repeal the second section of an act, entitled "An act for the benefit of the Springfield and Bardstown Turnpike Road Company," approved February 17th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act for the benefit of the Springfield and Bardstown Turnpike

Road Company," approved February 17th, 1866, be, and the same is hereby, repealed. 1868.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1058.

AN ACT to Charter the Harrisonville and Boyd Shop Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jasper Early, Charles Wear, Wm. L. Huss, Shelby Barringer, and William Bullard, be, and they are hereby, constituted a board of improvement for the purpose of constructing a turnpike road from Harrisonville, in Shelby county, to Paxton's blacksmith shop; thence to the Shelbyville and Frankfort road, at or near what is known to be Boyd's old blacksmith shop, on said road; and, that they may be the further enabled to effect the said objects, the said board is hereby constituted a body politic and corporate, in deed and in law; and, under the style and name of the board of improvement, shall have perpetual succession, and all the privileges and immunities and franchises of a body politic and corporate; and as such shall be capable of purchasing, taking, and holding, to them and their successors and assigns; and of selling and conveying, in fee simple, all such land, tenements, and estates, real, personal, or mixed, as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, before all courts of competent jurisdiction. Capital not to exceed twenty thousand dollars.

§ 2. That said board shall have full power to run said road at any degree of elevation they may think proper; also fix upon the width of grade, as also the width and depth of stone on same. [Its] shares of stock [shall be] divided [into] fifty dollars each.

§ 3. That they may be the further enabled to build said turnpike road, shall have all the power and privilege that the board of internal improvements for Shelby county have by virtue of their charter, passed and approved February 8th, 1834, so far as said charter may be applicable to this road.

§ 4. This act shall take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1059.

AN ACT to exempt Caseyville and Uniontown, in Union County, from the Road Tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the towns of Caseyville and Uniontown, in the county of Union, be, and they are hereby, exempted from the road tax imposed by said county upon the citizens thereof, upon the condition that the people of said towns shall keep in good repair the streets, wharves, and bridges within the limits of the same.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1060.

AN ACT to repeal the second section of an act, entitled "An act for the benefit of the Springfield and Bardstown Turnpike Road Company," approved February 17th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act for the benefit of the Springfield and Bardstown Turnpike Road Company," approved February 17th, 1866, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1061.

AN ACT to amend an act, entitled "An act to incorporate the Hillsboro and Wyoming Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Hillsboro and Wyoming turnpike road company," approved February 2d, 1866, be so amended as to authorize and empower said company to collect full toll at the toll-gate between Fox creek bridge and Hillsboro, which power is granted in consideration of the cost of said bridge.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1062.

1868.

AN ACT to amend the several acts relating to the Union Turnpike Road Company.

WHEREAS, It has been represented to the present General Assembly of the Commonwealth of Kentucky, that a meeting of the stockholders of the Union turnpike road company was held at the town of Florence, at the tavern-house of Jonathan Williams, in said town, on the tenth day of September, 1867, in pursuance to notice previously given, according to the mode prescribed by the several acts of incorporation of said road company, for the purpose of electing a president and five directors to serve said company for the ensuing year, and Henry T. Snyder was elected president, James L. Conner, James R. Clutterback, Volney Dickerson, T. B. Sanders, and S. A. Hogarty, were elected directors; and whereas, some doubts have been expressed as to the regularity of said meeting and the proceedings had at said meeting, and as to the legality of the acts of the officers elected at that time; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said election held as aforesaid shall be, and is hereby, declared legal; and that the officers elected at said meeting shall be held to be, and are hereby declared to have been, duly elected to the respective offices to which they were severally elected.

§ 2. That all of the acts of said officers, in pursuance of the discharge of the duties imposed on them by the provisions of the charter of said road, and in accordance with the facts set forth in the preamble to this act, are hereby legalized, and shall be of binding effect upon said company; and they are, by virtue of their election, authorized to exercise all of the duties as officers of said road, as defined and set forth in the acts incorporating said company, and the act amending the same.

§ 3. That all meetings of the president and directors of this company, or the stockholders thereof, either for purposes of election or general business, may be called by written notice given by the order of the president, in the mode prescribed in the several acts to which this is an amendment.

§ 4. That this act shall take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1063.

AN ACT to incorporate the Martha Mills and Blue Lick Turnpike Road Company, in Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be created and established, under the name and style of the "Martha Mills and Blue Lick Turnpike Road Company," for the purpose of constructing an artificial road, on the McAdams plan, from a point on the Maysville and Mt. Sterling turnpike road, at or near the toll-gate on the said road, and in the vicinity of said mills; said road to cross at or near the said mills; thence through, near S. J. Carpenter's house, to the crossing of the creek, opposite John Lawson's house; thence across a bottom, on a line in the direction of Mrs. Susan Trimble's house, crossing the creek opposite or below the stable; and to intersect the Flemingsburg and Upper Blue Lick road at the most practicable point in Fleming county, in the discretion of the board of directors.

§ 2. The capital stock of said company shall be thirty thousand dollars, to be increased or diminished as the board of directors may determine, to be divided into shares of fifty dollars each.

§ 3. A book for the subscription of stock in said company shall be opened at any time after the passage of this act, at such place as may be most convenient, under the direction of Marshall McCann, Granville Paxton, Wm. Bell, S. P. Carpenter, Thos. Dudley, and Eliza Thomas. That said commissioners, or any one or more of them, appointed by this act to open a book for the subscription of the capital stock of said company, shall procure a book or books; and subscribers to the stock of said company shall enter into the following obligation in said book or books, to-wit: "We, whose names are hereunto subscribed, do respectively promise to pay to the president, directors, and company of the 'Martha Mills and Blue Lick Turnpike Road Company' the sum of fifty dollars for each and every share of stock in said company set opposite to our respective names, in such manner and proportions and at such times as shall be required by the president and directors of said company;" which amount shall be collected in the proper courts.

§ 4. The book or books of subscription of said stock shall remain open until the whole of the capital stock shall have been taken, or enough to complete the road; and persons may subscribe at any time until the book or books are closed.

§ 5. So soon as one hundred shares in said company be subscribed, it shall be the duty of said commissioners, or some one of them, to give notice of the meeting of the stockholders of said company, to meet at Martha Mills, for

the purpose of choosing officers, said notice to be put up at three of the most public places on the contemplated road, ten days previous to said meeting, at which election at least two of said commissioners shall be present, who shall proceed to take the vote by ballot, in person or by proxy, of said stockholders, each stockholder having one vote for every share so held, for a president and five directors, who shall hold their offices for one year and until their successors are duly elected and qualified. The time and place for all elections, after the first, shall be fixed by the president and directors of said company for the time-being. A majority of the commissioners shall be competent to transact all business. The president and directors shall, before they enter upon the duties of their offices, take an oath before some justice of the peace that they will faithfully discharge the duties of their respective offices, without favor or affection, according to the best of their judgment. After being qualified, they shall appoint a treasurer, and such other officers as they may deem necessary, who shall hold his or their offices for one year and until others are appointed, but removable at the discretion of the president and directors. The treasurer of said company shall, before entering into the duties of his office, give such bond and security and penalty as the president and directors may desire, and the obligation made payable to them, conditioned that he will faithfully discharge the duties of treasurer of said company, and that he will, when called on, pay the amount of money in his hands to the order of the president and directors, and that he will perform the duties required of him by the by-laws of said company.

1868.

§ 6. The president and directors, when elected and qualified as aforesaid, shall be a body-corporate and politic, in fact and in law, by the name and style of the "Martha Mills and Blue Lick Turnpike Road Company;" and by the same name shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their capital stock, and the increase and profits thereof; and of purchasing, taking and holding, to them and their successors and assigns, and of selling, transferring, conveying in fee simple, all such lands, tenements, and hereditaments, and estate, real and personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; and also to have a common seal, and to do all and every other matter or thing which a body-politic and corporate may lawfully do.

1868.

§ 7. The said president and directors, upon entering upon the duties of their offices, may call upon the stockholders for the payment of such sums on each share, and at such times, as they, in their discretion, may deem expedient.

§ 8. No person shall be eligible to hold any office in this company who is not a stockholder at the time of election; and if, after an election, any officer of said company shall cease to hold stock, his office shall be considered vacant, and the remaining portion of the board shall, by appointment, fill such vacancy until the regular annual election. A majority of votes cast shall elect.

§ 9. The president and directors first chosen shall deliver a certificate, signed by the president and countersigned by the treasurer, and sealed with the seal of the corporation, to each stockholder, for each share by him or her subscribed and held, which certificate shall be transferable on the books of said company, in person or by attorney; but no share shall be transferred until all arrearages are paid thereon.

§ 10. The president may call meetings of the directors at such times and places as he may think proper. A majority of all the directors shall be necessary for the transaction of business. They shall keep a record of all their proceedings, to be entered in a book provided for that purpose; and shall be signed by the president, and, in case of his absence, the directors shall elect one of their own members *pro tempore*; they may adjourn from time to time as they may think proper.

§ 11. The president and directors have the right, and are hereby authorized, to take the consent in writing, of any and all persons who may be disposed to grant the right of way for said turnpike, the use of rock and timber for building the same, without charge, which, being so given, shall be binding to all intents and purposes. They may agree with and appoint surveyors, engineers, superintendents, artists, and officers, as they may deem necessary, to carry on the work; to fix their salaries and wages; and to do all such other matters and things as by this charter and by-laws of the corporation they are or shall be required to do.

§ 12. The president and directors are hereby authorized, together with the surveyors and engineers, &c., to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which said intended road may be thought proper to pass, and examine and survey the ground for the purpose here intended, and to examine the quarries, beds of stone and gravel, and other material necessary for the construction of said road.

§ 13. If any stockholder shall refuse or neglect to pay his proportion of the stock for thirty days after the time

1868.

set for the payment thereof, every such stockholder, in addition, shall pay at the rate of one per cent. per month on the installments so called, from the time the call was made, for every delay of such payment; and if such payment shall be delayed six months after the time set for payment, such delinquent shall forfeit such share or shares to the corporation, together with all that may have been paid thereon; and the president, by order of the directors, shall sell the said share or shares at public auction, having given ten days' notice: *Provided*, The same will bring the balance due on said share or shares: *And provided*, That no stockholder shall vote at any election, or be entitled to any of the rights of a member of said corporation, unless the whole amount due and payable as aforesaid, on the share or shares by him or her held, shall have been paid agreeably to the requisition of the president and directors.

§ 14. When the right of way or for material cannot be obtained by contract, the same may be condemned under the provisions of sections 29, 30, 31, and 32, of chapter 103, of the Revised Statutes, entitled "Turnpike and Plank Roads."

§ 15. When five miles of said road shall be completed, the said company may construct and erect a turnpike gate; and for each mile of road made thereafter, they may charge toll proportionally, and they may have gates at each five miles, or charge tolls for each five miles of their road [that] may be traveled, should they find it necessary to locate gates at shorter distance than five miles, or a less number than each five miles.

§ 16. The specification of this road to be the same as that of the Flemingsburg and Blue Lick turnpike road, with frame and pavement at the crossings of the creek.

§ 17. That if any person, with intent to defraud the company aforesaid, pass through any private gate or bars, or along or over any ground or lands near to or adjoining the said road, so as purposely to avoid paying toll, or shall practice any device to defraud the just payment of the toll by entering or traveling upon said road with any animal or burthen wagon or other vehicle, and avoiding the toll-gate or gates by turning out in by-paths and private ways, so as to defraud said company thereby, such person or persons so offending shall, for every such offense, forfeit and pay to the president and directors the sum of five dollars, recoverable before any justice of the peace, in like manner as other debts of equal amounts, in the name of the president and directors.

§ 18. The president and directors shall keep a fair and correct account of all moneys which shall be received by them from the subscribers of said company; also of all moneys expended by them in the prosecution of said work;

1868.

and all cost, charges, and expenses of said road shall be paid and discharged, and the sum total, when ascertained, shall be entered on the books of the treasurer. The aforesaid officers shall, at the end of every six months after the first portion of said road shall be completed, and every six months thereafter, make out a balance sheet for the inspection of the stockholders, and make dividends of the clear profits, if any, and pay the same to the stockholders. The said president and directors shall cause printed bills of the rates of toll to be posted up on or near the toll-gates on said road.

§ 19. The president and directors shall take bond, with good security, from the toll-gate keeper and other persons employed by them, for the faithful discharge of the duties to them respectively committed or assigned, which bonds they may cause to be renewed whenever they may deem necessary, and shall be payable to the president and directors and company as aforesaid.

§ 20. That it shall be lawful for the president and directors of the aforesaid company, for the more perfect good government of the same, to make any set of by-laws not inconsistent with the provisions of this act and the constitution and laws of the State of Kentucky. The rate of toll shall be the same as regulated by provisions of the general turnpike road laws.

§ 21. That section twenty-one of an act to incorporate the Elizaville and Blue Lick turnpike road company apply to and be part of this act.

§ 22. This act is to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1064.

AN ACT to amend the Charter of the Russellville District Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election authorized to be held under the charter of the Russellville District Turnpike Company may be held at any time before the first day of January, 1869, provided the notice be given as required in the charter of said company.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1065.

1868.

AN ACT to amend the Charter of the Lowell and Spoonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Lawson, Allen Patterson, A. W. Kavanagh, and Ebenezer Bist, be added to the list of commissioners already named for the purpose of soliciting subscriptions to the Lowell and Spoonville turnpike road.

§ 2. The company of the Lowell and Spoonville turnpike road may extend said road, beginning at a point in the Lancaster and Richmond turnpike road, between Slavens' gate and the old dirt road at the Ralston House, and running to Paint Lick creek, the nearest and most practicable route, at or near James Baker's or James Soper's.

§ 3. In making this extension, the company may have all the privileges, and shall be subject to all the regulations and restrictions, as required in the original charter.

§ 4. In this extension, the county court of Garrard shall have the same powers as in the original.

Approved March 9, 1868.

CHAPTER 1066.

AN ACT for the benefit of certain Turnpike Roads in Nicholas County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for, and the judge of the Nicholas county court is directed to receive and authorize the erection of toll-gates upon such turnpike roads in said county as have or are being constructed, when completed under charters obtained from the county court of said county, in the manner and upon the terms prescribed by the Revised Statutes, chapter one hundred and three, except that it shall not be required that the grade of said roads, or either of them, shall not exceed three degrees; but said roads shall be received, and toll-gates authorized to be erected upon them, notwithstanding the grade of them, or any of them, may exceed three degrees.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1067.

AN ACT for the benefit of the Rush Branch Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Rush Branch turnpike road company may establish a toll-gate upon said road and charge per mile

1868. on said road the same tolls as are now authorized to be charged on the Stanford and Hustonville road; and that, when said road is completed, then the company is authorized to charge the same amount of tolls as said Stanford and Hustonville road are permitted to charge on five miles of road.

§ 2. That the president of the Rush Branch turnpike road company shall have power to borrow, for the use and benefit of said road, not exceeding one thousand dollars, and pay interest on the same at the rate of ten per cent. per annum until paid.

§ 3. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1068.

AN ACT authorizing the Counties of Lincoln and Pulaski to Subscribe Stock in a Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county courts of Lincoln and Pulaski counties may each, at a regular term of the courts, a majority of the justices concurring, subscribe a sum, not exceeding one thousand dollars to the mile, for the construction of a turnpike road from Hall's Gap, through Waynesburg, to Somerset; each court subscribing only to that part of the road which runs through its own county: *Provided*, That not more than four thousand dollars shall be paid by each county in any one year.

§ 2. That the county courts of said counties are hereby authorized to levy an *ad valorem* tax upon all the taxable property of said counties for the purpose of carrying out the provisions of the first section of this bill.

§ 3. This act to have effect from its passage.

Approved March 9, 1868.

CHAPTER 1069.

AN ACT to authorize the Sale of the Richmond and Irvine Turnpike Road and its Franchises and Privileges.

WHEREAS, It has been represented that the Richmond and Irvine turnpike road company have constructed, in part, their road from the town of Richmond, in Madison county, to the town of Irvine, in Estill county, and yet a large part of same is incomplete, and the road is heavily

involved in debt, and the receipts from tolls do not more than keep the same, as completed, in repair; therefore,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, on a petition in equity filed in the Madison circuit court by the president and treasurer of said road company, praying a sale of said road and its privileges, in which prayer a majority of the stockholders shall concur, power and authority be, and is hereby, conferred on said court to decree a sale of same for the payment of debts, if said court shall deem it equitable, and a distribution of the overplus, if any, among those who own stock, in proportion to the amounts of stock paid and held by them severally.

§ 2. That Madison and Estill counties, being interested as stockholders in said road, must be parties to said suit, and may be brought before the court by the service of process on the presiding judges of the county courts of said counties.

§ 3. This act to be of force from its passage.

Approved March 9, 1868.

CHAPTER 1070.

AN ACT to amend the Charter of the Shelbyville and Taylorsville Turnpike Road Company.

WHEREAS, It is represented to the General Assembly that the managers of the Shelbyville and Taylorsville turnpike company have built one or more costly bridges on said road; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for said company to charge and collect double the rates of toll now allowed by law on said road, from all those using or traveling the same, for the period of two years from and after the passage of this act.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1071.

AN ACT to amend the Charter of the Lexington, Harrodsburg, and Perryville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That power is hereby granted to the directors of the Lexington, Harrodsburg, and Perryville turnpike road com-

1868. pany to move the second toll-gate east of the town of Harrodsburg one mile or less distance toward said town, as in their judgment may seem best.

§ 2. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1072.

AN ACT to incorporate the Garrard County and Kirksville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Garrard County and Kirksville Turnpike Road Company, for the purpose of making an artificial road from a point on the Richmond and Lancaster turnpike road, within three quarters of a mile eastwardly of the junction of the old dirt road leading from Lancaster to Richmond with the said Richmond pike, at or near the Hiatt farm, running the most direct and practicable route northeastwardly in the direction of the Myers or Doty horse-mill in said county, to Kirksville, Madison county.

§ 2. The capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each.

§ 3. The books for the subscription of stock shall be opened on the — day of —, 1868, at the county court clerk's office of Garrard county, under the direction of Hilory B. Gibbs, James H. West, James M. Doty, Wade H. Walker, and T. W. Ballew. Any two of said commissioners shall be competent to receive subscriptions for stock in said road.

§ 4. That the provisions of an act approved March 9th, 1867, incorporating the Bryantsville and Sugar Creek turnpike road company, so far as the same are not inconsistent herewith, be, and the same are hereby, incorporated as part of this charter: *Provided*, That section four of said charter is so modified in regard to this charter as to allow the commissioners, at any time within twelve months after the sum of two thousand dollars shall have been taken, to advertise the same by written notices posted up at Lancaster, Kentucky, and three or more of the most public places along the proposed route of the road, calling the stockholders together for the purposes as specified in said section: *And provided*, That the corporate name shall be styled the Garrard County and Kirksville Turnpike Road Company.

§ 5. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1073.

1868.

AN ACT to amend an act, entitled "An act to incorporate the Paint Lick, Walnut Meadow, and Big Hill Turnpike Road Company," approved February 5th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Paint Lick, Walnut Meadow, and Big Hill Turnpike Road Company," approved February 5th, 1868, be amended so as to allow the county of Garrard to subscribe not exceeding eight hundred dollars per mile of said road, running through the county of Garrard; said subscription to be made by a majority of the justices in commission for said county.

§ 2. That the county of Madison, a majority of justices in commission concurring therein, shall have power to subscribe three hundred dollars per mile to said road, running through said county.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1074.

AN ACT to amend an act, entitled "An act to incorporate Christiansburg Turnpike or Plank Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of an act, entitled "An act to incorporate the Christiansburg Turnpike or Plank Road Company," approved February 19th, 1850, be, and the same is hereby, amended to read as follows: That when said company shall be thus organized, it is hereby declared a body politic, by the name and style of the Christiansburg Turnpike Road Company, and by that name shall have perpetual succession, and be entitled to all the privileges and franchises incident to a corporation, in the same manner and to the same extent as are conferred upon the president, directors and company of the Mulberry Turnpike Company by an act approved February 29th, 1836, except so much thereof as relates to the material of which said road shall be constructed, which shall be left to the choice of the company: *And provided*, That the rates of tolls charged shall be governed by the Revised Statutes regulating turnpike and plank roads.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1075.

AN ACT to amend an act, entitled "An act to incorporate the Hillsboro and Wyoming Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky

§ 1. That an act, entitled "An act to incorporate the Hillsboro and Wyoming Turnpike Road Company," approved February the 2d, one thousand eight hundred and sixty-six, be so amended as to authorize and empower said company to collect full toll at the toll-gate between Fox creek and Hillsboro, which power is granted in consideration of the cost of said bridge.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1076.

AN ACT to amend the Charter of the Sherburne and Blue Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Sherburne and Blue Lick turnpike road company," be so amended that, in section one, the word "Flemingsburg" shall be substituted for the word "Elizaville." It shall read "from Sherburne to the Fleming-burg and Blue Lick turnpike," instead of "Elizaville and Blue Lick turnpike."

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1077.

AN ACT for the benefit of the Mount Sterling and Levee Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Mount Sterling and Levee turnpike road company are hereby authorized to erect a half gate on said road somewhere between Baldwin's spring and the store at the Levee.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1078.

1868.

AN ACT to repeal the second section of an act, entitled "An act for the benefit of the Bardstown and Green River Turnpike Road," approved 15th February, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act for the benefit of the Bardstown and Green River turnpike," approved February 15th, 1866, be, and the same is hereby, repealed.

§ 2. That this act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1079.

AN ACT to incorporate the Bohon Town Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Matt. Curry, Robert Forsythe, jr., Shelton Ransdell, H. J. Burns, J. M. Forsythe, sr., be, and they are hereby, created a body politic and corporate, under the name and style of the "Bohon Town Turnpike Road Company," for the purpose of constructing a turnpike in Mercer county, to commence at some point between John Basey's and George N. Davis', on the Frankfort and Crab Orchard turnpike, and run westwardly by the most practicable route to or near Bohon Town, in Mercer county.

§ 2. That the capital stock of said company shall be six thousand dollars, to be divided into shares of fifty dollars each; and said stock shall be paid in such installments, and at such times, as may be required by the board of managers. Said company may open books for subscription at such time and place as they may determine; and when there shall have been subscribed, by good and solvent persons, the sum of three thousand dollars, said company may commence the building of said road.

§ 3. That the rates of toll on said road shall be the same as now regulated by the general laws. When one half of the length of said road shall have been completed, said company may establish a toll-gate on same, at any point they may determine; but there shall not be more than one gate on the whole of said road.

§ 4. That sections three, four, five, six, eight, ten, twelve, and thirteen, of an act incorporating the "Salvisa and Kirkwood Turnpike Road Company," approved January 24th, 1861, be, and the same are hereby, made part of this act, the same as if they were fully copied herein, except in

1868.

section third of said act the words "preamble to this act shall continue as" are stricken out; and the words "first section of this act shall constitute" are inserted in lieu thereof.

§ 5. This act to be in force from its passage.

Approved March 2, 1868.

CHAPTER 1080.

AN ACT to incorporate the Dividing Ridge Turnpike Road Company, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of the "Dividing Ridge Turnpike Road Company, in Mason county;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road, in Mason county, from a point on the Maysville and Bracken turnpike road, at or near Slack's warehouse, to the Washington and Clark's Run turnpike road, at a point at or near the blacksmith shop on said road where John Lane now lives, near Washington.

§ 3. The capital stock of said company shall not exceed twelve thousand dollars, to be divided into shares of fifty dollars each.

§ 4. Books for the subscription of stock in said company may be opened at any time within one year after the passage of this act, at any place or places selected by the commissioners hereinafter mentioned, or those acting, under the supervision of Jacob A. Slack, Jno. K. Best, Benjamin W. Wood, John Brough, Robert Marshall, Thomas Worthington, Thomas Downing, or any three of them, who are hereby constituted commissioners for such purpose. The subscribers for stock in said company shall sign the following obligation, viz: "We, whose names are hereto subscribed, hereby obligate ourselves to pay to the president and directors of the Dividing Ridge turnpike road company, in Mason county, fifty dollars for each share of stock in said company hereby subscribed by us." The number of shares so subscribed by each person shall be designated opposite each subscriber's name, and said subscriptions shall be made in a book in which said obligation shall be written. But said commissioners, or those

1868.

acting, or the said company, after it is organized, may receive subscriptions of stock in said company on conditions, which conditions shall be expressed in writing in any such subscriptions, and said subscriptions shall be valid and binding, on the conditions therein stated. And said commissioners, or those acting, or said company, after it is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property, which shall be valid and binding, and the amount in value of such subscriptions shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered, on the demand of said company, the value thereof in money, as expressed in the subscription, may be collected of the subscriber.

§ 5. The Mason county court may subscribe stock in said company not exceeding one thousand dollars per mile, payable on the completion of each mile.

§ 6. As soon as fifteen hundred dollars is subscribed to the stock of said company it may be organized; and to this end, the commissioners acting shall give ten days' notice to the subscribers of stock, by written notices posted up at three or more public places in the vicinity of said road, of the election of officers of said company, which shall be five directors, one of whom shall be chosen by the directors as president. The time and place of such election shall be stated in said notices. After the first election of said officers, the elections thereafter for same shall be on the first Saturday in April of each year. Each stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. The first election shall be under the supervision of said commissioners, or those acting. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering the same, and filed with the papers of the company; and said officers shall serve until their successors are elected and qualified. If any vacancy occurs during any year before the regular annual election, the remainder of the directors may, if they deem it necessary, fill the vacancy.

§ 7. The said company after it is organized, may keep open the books for additional subscriptions of stock in said company, until all is subscribed.

§ 8. The president and directors may appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure; said treasurer and clerk shall give bond with good security, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties, and shall also take an oath for the faithful performance of their du-

1868.

ties; which bond, and the certificate of such oath, shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent or agent to superintend the construction of said road, and its maintenance afterwards; also gate-keepers and such other employees as they may deem necessary.

§ 9. Said president and directors shall have power to pass any by-laws, rules and regulations, for their own government and the government and conduct of said company, its officers and affairs, that they may deem necessary, not inconsistent with this act or with the constitution of this State or of the United States.

§ 10. The said president and directors may have said road located; and may let out for construction any portion of said road as soon as two thousand dollars of stock is subscribed, or may do so after additional subscriptions are received; and they may go on letting out for construction and completing said road, as the subscriptions of stock to said company may, in their opinion, justify them in so doing. So soon as two and a half miles of said road are completed, they may erect a toll-gate and collect toll for that portion of said road. The charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes, except, that if the whole length of said road, when completed, is not as much as five miles, they shall still have power to charge the same toll as if it was five miles long, if, in their discretion, they think it proper to do so; and they shall only be authorized to charge toll on said road in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

§ 11. The said company may receive releases of right of way for said road, and ground for toll-house and rock-quarries, by consent or purchase; and if they deem it necessary they may, by proceedings instituted in conformity with the existing laws of this State on the subject of turnpike and plank roads (Revised Statutes, chapter 103), condemn land for right of way for said road, for toll-house and rock-quarries, just compensation being paid to the owners thereof, to be assessed by a jury empaneled for such purpose, according to law as aforesaid.

§ 12. The said road shall be not less than twenty-five nor more than fifty feet wide. Any person who shall unlawfully obstruct said road, shall be subject to a fine of not less than five nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law. Said president and directors may pass by-laws fixing fines for a failure to pay toll, or for the evasion of toll on said road, which may be recovered as other fines of similar

amount are recovered under the laws of this Commonwealth, and be for the use of said company.

1868.

§ 13. Said president and directors shall prescribe in what installments the subscriptions of stock shall be paid; they may borrow money for the use of said company, not exceeding five thousand dollars, and give personal security therefor, or a mortgage on said road and its franchises, which may be enforced and foreclosed.

§ 14. This act shall take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 1081.

AN ACT to incorporate the Taylorsville and Salt River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Elijah Stone, Geo. A. Van Dyke, James Downs, Thos. Lilly, Eliab Cooper, and Jesse Stone, be appointed to obtain stock to construct a turnpike road from Taylorsville, to begin at or near the south end of Pan run bridge, and terminate at or near Samuel Briscoe's residence, on the Fairfield turnpike road, to be called the Taylorsville and Salt River Turnpike Road Company.

§ 2. When twenty thousand dollars shall have been subscribed, the stockholders shall be authorized to organize and elect a board of officers; ten days' notice of the time and place of the organization shall be given at five or more public places in the vicinity of the proposed road.

§ 3. The organization shall be under the control and management of a president and five directors, who shall, after the first election, hold their offices one year, and until their successors shall have been elected and qualified.

§ 4. The said company shall have power to acquire and condemn lands upon which to locate their road, and materials for the construction and repairing of the same, and are allowed to erect gates and collect tolls as are provided for by the general laws of this Commonwealth.

§ 5. The said company shall be known by the name and style of the Taylorsville and Salt River Turnpike Road Company; and by that name and style may contract and be contracted with, sue and be sued, plead and be impleaded, in any of the courts of this Commonwealth.

§ 6. The said company may select the route for said road, and cause the same to be constructed; and may do any or all other acts necessary or proper in the construction and permanent establishment of said road for public use as now provided by law.

§ 7. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1082.

AN ACT to amend the Charter of the Hopewell and Bethlehem Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Hopewell and Bethlehem turnpike road company," be so amended that said company may extend its road, from any point on the Maysville and Lexington turnpike, in a westwardly direction, to or near the line between Fayette and Bourbon counties, and erect thereon, when completed, a toll-gate, and charge thereat the same tolls it is now permitted to charge on the residue of its road, in proportion to the distance traveled; and the original charter shall apply to said extension as fully as if embraced therein.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1083.

AN ACT to amend the Charter of the Cartwright and Beechland Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Cartwright and Beechland turnpike company be so amended that the said company shall not be required to construct bridges over the Little Beech Fork and Cartwright creeks, where said company's road shall cross said streams. That said company may erect a toll-gate and collect toll whenever their said road is completed from the Bardstown and Springfield turnpike road to the Bloomfield and Springfield turnpike road. That said company may erect two other gates on said road as the same shall be completed.

§ 2. That, in addition to the powers granted said company by the original charter, they shall have all the powers conferred upon the Danville and Hustonville turnpike by their act of incorporation, approved March 1st, 1844.

§ 3. This act shall take effect from its passage.

Approved February 9, 1868.

CHAPTER 1084.

1868.

AN ACT to incorporate the Dayton and Four Mile Turnpike Road Company, in Campbell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. P. Groome, Josiah Clark, Henry Weavring, and Lewis Thacker, with such others as may associate with them for that purpose, be, and they are hereby, created a body politic and corporate, by the name of "The Dayton and Four Mile Turnpike Road Company," for the purpose of making a road from a convenient point at the east line of the town of Dayton, as they may select, to intersect the Four Mile turnpike road, at or near Cole's Eddy; and by that name may sue and be sued, plead, answer, and defend, in all courts of this Commonwealth and elsewhere.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, divided into shares of twenty dollars each; and books for the subscription of stock shall be opened by the above named persons, or a majority of them, at such times and places as they may deem fit, and may appoint commissioners for each place; and when two thousand dollars of the capital stock is subscribed, the company may organize by the election of a president and five directors, to be chosen by the stockholders from amongst themselves.

§ 3. That the whole width of said road shall be forty feet, and the part covered with stone shall be sixteen feet; and that the elevation of the grade of said road shall be fixed and regulated by said company. There shall not be more than two toll-gates on said road, and neither of them shall be located nearer than one half mile of Dayton and one half mile of its terminus.

§ 4. That the provisions of the charter of the Campbell County turnpike company now in force, not inconsistent with the provisions of this act, be, and they are hereby, adopted and made a part of this act.

§ 5. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1085.

AN ACT to incorporate the Cane Ridge and Sharpsburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created and made a body politic, under the name of "The Cane Ridge and Sharpsburg Turnpike Road Company," for the purpose of con-

1868. structing a turnpike from some point on Cane Ridge, in Bourbon county, to Sharpsburg, in Bath county, or near that place.

§ 2. The capital stock of said company shall not exceed twenty-five thousand dollars, in shares of fifty dollars each. L. B. Sandusky, Robt. A. Hopkins, and Jno. Soper, of Bourbon county; Josiah Fishback, Thos. Crouch, and Thos. Taul, of Nicholas county; Jno. Sharpe, Benj. Hughort, and Sanford Allen, of Bath county, or any two of them, as commissioners, may open books and receive subscriptions to said capital stock, at any time and place, and until the same is fully subscribed for.

§ 3. As soon as sixty shares thereof have been subscribed for, the commissioners so acting shall give notice of a meeting of the stockholders, at a time and place fixed by them, and in the notice named, for the purpose of electing officers for said company. Said notice shall be printed in one of the newspapers published in Paris, and by notices stuck up at Sharpsburg, Flat Rock, and Cane Ridge, for two weeks prior to the meeting. At the time and place so named there shall be chosen five directors to manage the concerns of the company, who shall continue in office one year and until their successors have qualified. At such and all other elections, each shareholder may cast, in person or by proxy, one vote for each share of stock held by him. The number of said directors may, by a vote of the stockholders, be reduced as low as three. Said directors, after qualifying as required by law, shall meet and choose one of their members president. They may appoint a treasurer, secretary, and other necessary officers, prescribe their duties and term of office, take from them such bonds as they may deem proper. They may make and alter at pleasure such rules and by-laws for the regulation of said corporation as they may deem proper.

§ 4. When thus organized, said president and directors shall be a body corporate and politic, by the name hereinbefore recited, and by that name shall have perpetual succession, may sue and be sued, contract and be contracted with, purchase, take, and hold, to them and their successors, and sell, transfer, and convey, all such real and personal estate as may be necessary in the prosecution of their work.

§ 5. Said president and directors may make such calls upon the shareholders for payment of their stock as they may think best. No person shall hold the office of president or director unless he is a stockholder.

§ 6. The president and directors shall deliver a certificate, signed by the president and countersigned by the treasurer, and under the seal of the corporation, if there is one, to each shareholder, for each share of stock held by

him, which may be transferred, after payment of all arrearages, on the books of said company, in person or by attorney. The president may call meetings of the directors at such times and places as he may think proper. A majority of all the directors shall constitute a quorum to transact business. They shall keep a record of their proceedings, which shall be signed by the president; and, in case of his absence, the directors may choose one of their number president *pro tempore*, and they may adjourn from time to time as they think proper.

1868.

§ 7. Said president and directors shall locate said road, and contract for the construction of any part thereof. They may acquire the right of way, rock, materials for the construction of the road, land for the use of toll-houses (not exceeding one acre for each), by contract; and, if it is found impossible so to acquire them, or either, they may cause the same to be condemned, under the provisions of sections 29, 30, 31, and 32, of chapter 103 of the Revised Statutes, title "Turnpike and Plank Roads."

§ 8. The president and directors, with surveyors and engineers, are authorized to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which they may wish their road to pass, and to examine and survey the ground for that purpose; and to examine quarries, beds of stone and gravel, and other materials necessary in the construction of said road.

§ 9. When three miles of said road are complete, said company may erect a toll-gate, and charge tolls in proportion to the distance traveled. And when the entire road is complete, they may erect another gate; and at each gate the rates charged shall be in proportion to the distance traveled. The tolls charged on said road shall be the same as allowed by law to be charged by the Paris and Flat Rock Turnpike Road Company; and all the provisions of the charter of said company shall apply to and govern the corporation hereby created, as fully as if herein set forth and recited, except as herein differently provided.

§ 10. The county courts of Bath and Bourbon counties may subscribe stock to the capital of said corporation, as provided in the acts relating to such subscriptions; and the presiding judge of Nicholas county may subscribe for one-third of as much stock as may be necessary to construct that part of the road in said county, and pay the same out of any money in the treasury of said county unappropriated.

§ 11. This act shall take immediate effect.

Approved March 9, 1868.

1868.

CHAPTER 1086.

AN ACT to incorporate the Eminence and Franklinton Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be formed and created a body politic and corporate, by the name and style of the Eminence and Franklinton turnpike road company, for the purpose of making a turnpike road from Eminence, in Henry county, to Franklinton, in the same county, by the directors and company herein incorporated.

§ 2. The capital stock of said company shall be twenty-five thousand dollars, to be divided into shares of fifty dollars each; but the work may be commenced so soon as ten thousand dollars be subscribed in good faith.

§ 3. The books for the subscription of stock shall be opened by, and under the direction of, Jas. H. Drane, Wm. Gorham, James Guthrie, James O'Bannon, Joel Clubb, James Cureton, and E. Ditto, or a majority of them, who are hereby appointed commissioners for said purpose, with power to adopt and carry out such measures as will best secure the object of the company, at such time and place as they or a majority of them shall deem proper. When twelve thousand dollars or more shall be subscribed to the capital stock of the company, it shall be the duty of said commissioners named in this section to give notice, in such manner as they may think proper, for a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing seven directors. One vote for each share of stock shall be allowed for the election of directors. The directors thus chosen shall elect a president from one of their own number; and the president and directors so elected shall continue in office one year, or until their successors are elected and qualified. The times and places of all elections after the first shall be fixed by the president and directors; and a majority of the board of seven shall be necessary to transact business.

§ 4. So soon as the company is thus organized, the president and directors shall be a body politic and corporate, under the name and style of the Eminence and Franklinton turnpike road company; and by that name shall have perpetual succession, with all the privileges and franchises usually granted to similar corporations; generally to do every act, matter or thing, which other corporations are allowed to do for the promotion of its best interest.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, the width and part thereof to be covered with gravel or stone, and may fix rates of toll, and change and alter the same at their option: *Provided*, The said rates shall not exceed the rates

now fixed by the Revised Statutes. After three miles of said road shall have been made, the president and directors may erect a gate and collect toll, and apply the proceeds thereof to the completion of said road.

1868.

§ 6. The president and directors, with their engineers, surveyors, agents, workmen, and all other employees, are hereby authorized and empowered to enter upon the lands and inclosures, through and near which the intended road may pass, to survey and examine the grounds most proper for that purpose; to examine beds and quarries of stone, gravel, and other materials necessary for the construction of the road. They shall also, when the road is located, agree with the owners of lands as to the terms on which the rights of way shall be given; and if no satisfactory agreement can be made with any owner of land as to the right of way, the president and directors shall apply to the county court of Henry county for a writ of *ad quod damnum* to assess the damages which may be sustained by said unsatisfied owners of land; and upon the payment or tender of money for the damages assessed, it shall be lawful for the president and directors to open and make said road, and to control and use all materials upon such land necessary to the construction or repair of said road.

§ 7. The president may give notice, in such manner as he may think proper, of the amount of call on each share of stock, and of the time of payment of same; and if any stockholder shall fail to pay his amount of stock so called for, for the space of thirty days after the same is due, the president shall proceed to enforce the collection of the same by law, in the same manner as other debts are collected in the courts having jurisdiction under the laws of this Commonwealth.

§ 8. The president and directors shall appoint a treasurer and such other officers as they may deem necessary, with such compensations as may be agreed upon, who shall hold their offices until their successors shall be appointed and qualified. The treasurer shall, before entering on the duties of his office, give bond and surety, in such penalty as the president and directors may require, payable to them, conditioned to pay over any money in his hands on the order of said president and directors belonging to the company.

§ 9. That if any person shall go around or turn off from said road, with the intent to evade the payment of toll, as fixed by the president and directors aforesaid, he or they shall, on conviction thereof before a justice of the peace, be fined five dollars, to be collected as other sums are collected, under the jurisdiction of the justices of the peace of this Commonwealth. All county roads running within one mile parallel with said turnpike road shall be closed

1868.

up and be discontinued, by order of the Henry county court, as soon as three miles of said turnpike road is finished, provided that part so closed up shall be adjacent to that part of the road finished, on petition of the president and directors.

§ 10. The entire width of said road shall not be less than thirty-five feet, nor more than forty feet, at the option of the board of directors.

§ 11. The president and directors may adopt any by-laws and measures not in conflict with the terms of this charter, nor the laws of Kentucky, which may be necessary to carry out the objects of this company.

§ 12. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1087.

AN ACT for the benefit of the Springfield and Bardstown Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Springfield and Bardstown turnpike road company are authorized to raise the tolls over said road in any sum not exceeding thirty per cent. on the rates now fixed by law.

§ 2. That the said president and directors may cause an additional toll gate to be erected, and tolls collected, at or near the bridge across the Big Beech Fork. The tolls collected at said gate shall be applied to the payment of the debt against said company for the building of said bridge; and when said debt and interest is paid, then they shall remove said gate.

§ 3. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1088.

AN ACT to incorporate the Hinkston Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created a body politic and corporate, under the name and style of the "Hinkston Turnpike Road Company," for the purpose of constructing a turnpike road from the town of Mt. Sterling, Kentucky, at a point in the line of said town near to where the Hinkston dirt road leaves said town, and from thence down Hinkston creek with said dirt road, or near it, to the

terminus of the same at the grocery store of Henry L. Jones.

1848

§ 2. Harrison Ringo, Hugh Bristow, Peter Flood, Milton Jameson, George Thompson, and Van Thompson, or such three of them as will act, are appointed commissioners to open books and receive subscriptions of stock in said company, and shall open the same in the county of Montgomery, at such place and time as they may designate by written or printed advertisement; and the subscribers to said road shall sign an obligation, in substance as follows: "We, whose names are hereto subscribed, respectively promise to pay the Hinkston turnpike road company the sum of fifty dollars for each share of stock set opposite to our respective names, at such time and in such proportions as shall be determined on by said corporation."

§ 3. The capital stock of said company shall be fifteen thousand dollars; and when four thousand dollars of said stock shall be subscribed, it shall be the duty of such of said commissioners as act to give five days' notice in writing of a meeting of the stockholders of said company, at such place in Montgomery county as they shall designate in the notice, for the purpose of organizing said company and choosing officers. The officers of said company shall consist of a president, a treasurer, and three directors, and such other officers as they may deem necessary; the notice to be posted up on the line of the road, at three or more public places, at least five days preceding the meeting; and each stockholder shall be entitled to one vote for every share of the stock held by him or her.

§ 4. The whole width of said road shall not exceed forty feet, and the part to be covered with metal shall not exceed eighteen feet; and the grade shall be fixed and regulated by the corporation.

§ 5. That whenever two and a half miles shall be finished at either end of said road, the company are authorized to erect a toll-gate at convenient places thereon, and charge half toll at such gates; and when the whole road is finished, they may erect gates and charge the same rate that other roads of this State are authorized to charge by law.

§ 6. That after said company is organized, they may contract with any person for subscriptions to the stock of said road, to be paid in work done thereon or therefor.

§ 7. That it may be lawful for the trustees of any town or any corporation created by law, or the county court of Montgomery county, by their agent or agents for such purposes appointed, to subscribe for stock in said company in the same manner as natural persons may, and to have and exercise the same right of representing their stock in said company by the votes of their respective agents, and

1868.

enjoy all the rights and privileges that any stockholder may possess

§ 8. That so soon as said company shall be organized, the president, directors, and other officers, shall possess all the power, authority, right, and privilege, may do and perform all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same; and shall be subject to all the duties, qualifications, restrictions, penalties, fines and forfeitures, if any, and shall be entitled to the like tolls and profits as are given and granted unto the Cynthiana and Millersburg turnpike road company by the act incorporating said company, approved February 23d, 1847; and all the provisions of said act, and of the act incorporating the Maysville and Lexington turnpike road company, approved January 22d, 1827, and made part of said first mentioned act, except so far as provided in the preceding part of this act, or may come in collision with the provisions of the same.

§ 9. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1089.

AN ACT to amend the Charter of the Independence and Colemansville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Independence turnpike road company are hereby authorized to extend their road to the Three Forks of Grassy creek, upon the same conditions now required by the charter to which this is an amendment, except the grade of said proposed road is to be twenty-five feet wide.

§ 2. This act to be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1090.

AN ACT for the benefit of G. S. Jones, Sheriff of Marshall County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That G. S. Jones, sheriff of Marshall county, be, and is hereby, allowed the further time until the first day of June, 1868, to collect and pay into the Treasury the revenue of said county for the year 1867.

§ 2. That said sheriff be allowed until the 15th day of May, 1868, to make out and return his delinquent list of

the revenue tax and county levy for said county for the year 1867: *Provided*, That this act shall take effect when, and not until, the sureties of said Jones, or the personal representatives of such as may be dead, shall, in writing, before the county judge of said county, to be filed with the clerk and entered of record in the order-book of the county court, consent to the extension allowed by this act.

§ 3. It shall be, and is hereby, made the duty of the county court clerk to certify and send to the Auditor of Public Accounts a full and true copy of said written consent and order.

Approved March 9, 1868.

CHAPTER 1091.

AN ACT for the benefit of W. J. Coffee and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, upon the payment, on or before the first day of June next, of the principal, interest, and cost, including Attorney General's fee, of a judgment against Wiley J. Coffee and sureties, for the revenue of Magoffin county for the year 1863, by said Coffee or any of his sureties, the said Coffee and his sureties shall be released from the damages on said judgment.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1092.

AN ACT for the benefit of Gip Taylor, Sheriff of Union County.

WHEREAS, Gip Taylor, sheriff of Union county, in virtue of the precept and command of John W. Stevenson, Acting Governor of this State, arrested Eliza Sprigg, a fugitive from justice from the State of Georgia, and carried her, in obedience to said command, before a circuit court; and whereas, said sheriff was so engaged eight days, and actually paid expenses of himself, guard, and said fugitive, amounting to \$89 75, for which he has never been compensated or received one cent; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is appropriated, out of any money in the Treasury not otherwise appropriated, to said Gip Taylor, in full of his services as aforesaid and expenses, the sum of one hundred and twenty-eight dollars and seventy-

1868. five cents, and the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of said Taylor for said sum.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1093.

AN ACT for the benefit of E. B. Caldwell, late Sheriff of Lincoln County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. B. Caldwell, late sheriff of Lincoln county, be, and is hereby, given the further time of two years to collect back taxes and fee bills; and that he be allowed to distrain for and collect the same; and that he shall be subject to the same pains and penalties as now imposed by law for any illegal collection or distraint.

§ 2. This act to have effect from its passage.

Approved March 9, 1868.

CHAPTER 1094.

AN ACT for the benefit of James Vaughn, former Sheriff of Knox County, and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Abner Wills, one of the sureties of James Vaughn, a former sheriff of Knox county, and such other persons as said Wills may designate, may, with the assent of said Vaughn, be appointed deputies of said Vaughn in said office, by the Knox county court; and, as such deputies, shall have all the rights and powers, and be liable to all the pains and penalties, which by law belong to said Vaughn in the settlement and closing up the unfinished business of his said office of sheriff, and shall be liable to the same penalties that sheriffs are now subject to.

§ 2. That the further time of two years is hereby allowed said Vaughn to settle and close the business of his said office, during which time his uncollected taxes and fee bills shall retain their distrainable quality.

§ 3. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1095.

1868.

AN ACT for the benefit of Joseph Bell and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever Joseph Bell shall pay to the State of Kentucky all the taxes due from the county of Casey, as seen by a judgment now in the Franklin circuit court against him and his sureties; also the interest and cost and attorney's fees thereon, then the said Bell nor his sureties shall be required to pay the thirty per cent. damages as is required by law: *Provided*, Said judgment is made on or before June 1st, 1868.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1096.

AN ACT for the benefit of Wm. C. Myers and Patrick Napier, late Sheriffs of Casey County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be allowed Wm. C. Myers and Patrick Napier, late sheriffs of Casey county, to collect their fee bills and uncollected taxes. Said Myers and Napier shall be liable to all the pains and penalties prescribed by law for the issual or collecting of illegal fee bills or taxes.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1097.

AN ACT for the benefit of W. D. Bailey, late Constable of Webster County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. D. Bailey, late constable of Webster county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect all his uncollected fee bills; and may distrain for the same, subject to all the pains and penalties now imposed by law for illegal distress.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1098.

AN ACT for the benefit of James H. Hall, Sheriff of Powell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time be allowed James H. Hall, sheriff of Powell county, to return his delinquent list; and that he is hereby released from damages on a judgment against him for the revenue of 1867: *Provided*, He shall pay the principal, interest, and costs, and attorney's fees of said judgment, on or before the first day of May, 1868.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1099.

AN ACT for the benefit of R. H. Ernest, late Sheriff of Simpson County.

WHEREAS, R. H. Ernest, late sheriff of Simpson county, overlooked and failed to return to the Auditor "a list of persons, with their taxable property, for the year 1866, who have removed from other counties to the county of Simpson, together with such lands as have been returned without the tax having been paid on the same;" therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said R. H. Ernest, late sheriff of Simpson county, be, and he is hereby, allowed the further time of three months from the passage of this act to return the aforesaid Auditor's list for the year 1866.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1100.

AN ACT for the benefit of B. F. Jameson, Sheriff of Hart County.

WHEREAS, On the 11th day of March, 1867, the General Assembly of the Commonwealth of Kentucky passed an act allowing B. F. Jameson, sheriff of Hart county, the further time of two years from said 11th day of March, 1867, to pay into the Treasury the sum of four hundred dollars, as revenue due from Hart county for the year 1865, and whereas, there was no revenue due for the year 1865, but all thereof had been paid in and settled before said act was passed; and whereas, it was intended to allow him the further time mentioned in said act to pay in said sum of money as his revenue for the year 1866; and whereas, by said mistake said sheriff received no benefit from the passage of said act; and whereas, the present General Assembly passed an act giving said B. F. Jame-

son the further time till the first day of June, 1868, to collect and pay into the Treasury one half of the revenue due from his county for the year 1867, provided his sureties on his sheriff's bond should consent of record to the extension of time therein granted, and remain bound during the same; and whereas, one of the sureties on his said sheriff's bond is a non-resident and his consent of record cannot be obtained; therefore,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act of March 11th, 1867, shall apply to the revenue due from said Hart county for the year 1866, instead of the year 1865.

§ 2. That the condition in the said act passed by the present General Assembly, requiring all the securities of said Jameson to consent of record in open court to be bound during the extension of time till first of June, 1868, before said Jameson, sheriff aforesaid, should have the benefit of said act, shall not apply to Wm. M. Wright, one of his sureties, who is now a non-resident; and the consent of all the other sureties on his sheriff's bond, as prescribed by said act, shall be a sufficient compliance with said act to entitle said B. F. Jameson to the benefits thereof.

§ 3. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1101.

AN ACT for the benefit of James H. Reed, Sheriff of Metcalfe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if James H. Reed, sheriff of Metcalfe county, shall, on or before the first day of June, 1868, pay off the principal, interest, costs, and attorney's fees, of a judgment rendered against him in the Franklin circuit court, at its February term, 1868, for the revenue for 1867, the damages adjudged against him are hereby released, and he is discharged from the payment of the same.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1102.

AN ACT giving further time to John A. Morrison, Sheriff of Clinton County, to Execute Bond.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John A. Morrison, sheriff of Clinton county, be, and is hereby, allowed the further time until the first day of the April term of Clinton county court, 1868, to give his bond for the collection of the county levy and revenue for the year 1868.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1103.

AN ACT to allow the Sheriff of Lyon County to Distrain for Taxes uncollected for the years 1861, 1862, and 1863.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for all State and county revenue due the State of Kentucky and the county of Lyon for the years 1861, 1862, and 1863, and which was collectable by J. T. Young, late sheriff of Lyon county, and yet remaining unpaid, there is given unto John Boyd and W. H. Long, the administrators of the estate of said Young, authority to proceed in their own names, as such personal representatives, to collect the same, by distraining so much of the estate or estates of all delinquent tax-payers as will be sufficient to pay their said State tax and county revenue due for those years, including all costs and commissions for collecting the same; and any and all property now subject to distress for State or county tax shall be alike subject to said claims, in the way and manner that other taxes are collected.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1104.

AN ACT for the benefit of Leslie Johnson, late Sheriff of Letcher County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Leslie Johnson, late sheriff of Letcher county, shall have till the first of June next to return his delinquent list for the years 1862, 1863, 1864, and 1865; and when the same is returned, properly certified, the same shall be placed to his credit upon a judgment against said Johnson and his sureties for a balance of revenue due for the above named years.

§ 2. That when the said Leslie Johnson, or any person for him, shall pay into the Treasury the amount of the revenue, together with the interest and costs due thereon for the years 1862, 1863, 1864, and 1865, the same shall discharge said Johnson and his sureties from further liability to the Commonwealth, provided said payment shall be made on or before June 1st, 1868.

1868.

§ 3. That the said Leslie Johnson shall have the further time of one year, from and after the passage of this act, to distrain for and collect all uncollected taxes and fee bills, subject to the same pains and penalties now imposed by law for distraining for or collecting illegal fee bills.

§ 4. That this act shall be in force from its passage.

Approved March 9, 1868.

CHAPTER 1105.

AN ACT for the benefit of Robert H. Earnest, former Sheriff of Simpson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert H. Earnest, former sheriff of Simpson county, shall have the further time of two years within which to issue, collect, and distrain, as now provided for by law, for such fees as may be due him for services as such; and likewise, within said period of time, to collect and distrain for such taxes now remaining uncollected, and for the collection of which he is officially responsible: *Provided, however,* That said Earnest shall be liable and responsible for issuing or collecting illegal fee bills; and he shall be liable if he shall unlawfully distrain for said uncollected taxes, as provided for by law for such offense under the general laws.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1106.

AN ACT for the benefit of Young E. Hurt, late Sheriff of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Young E. Hurt, late sheriff of Adair county, be, and is hereby, allowed the further time of two years from this date to distrain for his uncollected fee bills, subject to all the pains and penalties for illegal proceedings.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1107.

AN ACT for the benefit of Alex. W. Nickell, sheriff of Johnson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a judgment rendered at the present term, 1868, of the Franklin circuit court, against A. W. Nickell and sureties, for the revenue due from the county of Johnson for the year 1867, be suspended until the first day of June, 1868; and the Auditor is directed to suspend all proceedings upon said judgment until said time; and, upon the payment of the principal, interest, and cost, the damages are remitted: *Provided, however,* That this act shall not take effect until the sureties of said Nickell shall, at the March term of the Johnson county court, enter their assent to said extension.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1108.

AN ACT to authorize the Secretary of State to furnish certain books to the Sheriff of Allen County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State be, and he is hereby, directed to furnish to the sheriff of Allen county one copy of the Revised Statutes, and one copy of Myers' Supplement.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1109.

AN ACT for the benefit of John C. Eastham, Sheriff of Boyd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer of State in favor of John C. Eastham, sheriff of Boyd county, for the sum of one hundred and eleven dollars and twenty-five cents, money expended by him, and mileage, in conveying Jessie Bradley, Louisa Worley, and Margaret Tiller, pauper lunatics, from Catlettsburg to the Eastern Lunatic Asylum, and conveying Bradley back to Catlettsburg, who was not received in the Asylum for want of room.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1110.

1868.

AN ACT for the benefit of Paul C. Bedford, late Sheriff of Montgomery County, and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of a judgment rendered by the Franklin circuit court in favor of the Commonwealth of Kentucky against Paul C. Bedford, late sheriff of Montgomery county, and his sureties, as far as damages imposed by statute, be, and the same is hereby, released and discharged: *Provided*, That said sheriff and his sureties shall pay the residue of said judgment, including principal, interest, and costs, and attorney's fees, on or before the first day of June next.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1111.

AN ACT for the benefit of John S. Marksbury, late Sheriff of Grant County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is hereby given to the said John S. Marksbury to collect the taxes and fee bills due him for the years 1863, 1864, 1865, and 1866, which shall be distrained; and the said Marksbury shall be liable to all the pains and penalties now prescribed by law for illegal fee bills and distraint. That the said John S. Marksbury be allowed to place said taxes and fee bills in the hands of any sheriff or constable for collection within the period aforesaid.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1112.

AN ACT for the benefit of Edward R. Price, Sheriff of Todd County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Edward R. Price, sheriff of Todd county, be, and he is hereby, allowed further time until the 15th day of May next to pay into the Treasury of the State the balance of the revenue of said county, provided the said Price's securities will appear in the county court of said county and have entered on the records of said county

1868. court their assent to the extension of the time given in this act.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1113.

AN ACT for the benefit of A. W. Blair, former Sheriff of Nicholas County.

WHEREAS, A judgment was rendered in the Franklin circuit court, at its October term, 1867, against A. W. Blair, former sheriff of Nicholas county, and John Stoops, his security, for the sum of twenty-three hundred and seventy-two dollars and twenty-seven cents costs, with interest thereon from the first day of June, 1866, and three dollars and ten cents costs of suit, four hundred and seventy-four dollars and forty-five cents damages, and two per cent. on the amount of principal and interest thereon for Attorney General's fee; and whereas, said Blair has paid off and satisfied said judgment, except the interest thereon; the damages, four hundred and seventy-four dollars and forty-five cents; costs, three dollars and ten cents, and the two per cent. aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That said Blair and Stoops be, and they are hereby, released from the payment of said damages of four hundred and seventy-four dollars and forty-five cents, except an attorney's fee to J. H. Holladay, to be paid out of said damages by the Auditor, for collecting said judgment, &c.

Approved March 9, 1868.

CHAPTER 1114.

AN ACT for the benefit of J. C. Vanarsdale and H. F. James, late Sheriffs of Mercer County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Vanarsdale and H. F. James, late sheriffs of Mercer county, be, and they are hereby, allowed the further time of two years to list and collect their unpaid and uncollected fee bills and taxes, subject to all the penalties now imposed by law.

§ 2. This act to be a law from its passage.

Approved March 9, 1868.

CHAPTER 1115.

1868.

AN ACT for the benefit of Samuel H. Piles, Sheriff of Livingston County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor, upon the payment of the principal, interest, and costs of a judgment of the Franklin circuit court, in favor of the Commonwealth of Kentucky, against Samuel H. Piles and sureties, sheriff of Livingston county, for the revenue for the year 1867, be, and he is hereby, directed to remit all damages accrued and to accrue upon said judgment, and to give to said Piles a quietus, upon his making payment as herein permitted: *Provided*, Said payment shall be made on or before June 1st, 1868.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1116.

AN ACT for the benefit of James W. Linden, Sheriff of Breathitt County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James W. Linden have the further time until the third Monday in June, 1868, to make out and return his delinquent list for the year 1867.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1117.

AN ACT for the benefit of Jno. W. Duncan, Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time until the first day of June, 1868, be, and the same is hereby, allowed Jno. W. Duncan, sheriff of Wayne county, to return his delinquent list for the year 1867, and to collect and pay into the Treasury the balance of the revenue for said year.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1118.

AN ACT for the benefit of George W. Pickett, Sheriff of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the payment of the principal, interest, costs, and attorney's fees of a judgment against Geo. W. Pickett, for balance due on the revenue of 1867, he shall be released from the payment of damages, provided said payment be made on or before the first day of June, 1868.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1119.

AN ACT for the benefit of Almanzo Kincheloe, late Sheriff of Spencer County.

WHEREAS, The grand jury of the county of Spencer, in the year 1866, did indict three men, Terrel and two others, who were then confined in jail in said county for the crime of murder; and as threats were made and fears were entertained that a gang of outlaws would attempt to rescue said prisoners from custody, the judge of said court ordered the sheriff, A. Kincheloe, to summon a strong guard, and take said prisoners to Louisville for safe-keeping, and to bring them back for trial at the next court; and whereas, said sheriff Kincheloe, in executing the orders of the court, incurred and paid the expenses, which were absolutely necessary for transporting and feeding said guard and prisoners, a sum amounting to ninety-three dollars, which sum was allowed by said court, and certified by the clerk thereof to the Auditor of Public Accounts for payment, and the Auditor refused to allow and pay the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be directed to draw an order upon the Treasurer of State in favor of Almanzo Kincheloe for the sum of forty-nine dollars and forty-five cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1120.

1868.

AN ACT for the benefit of A. Q. Baker, late sheriff of Boone County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. Q. Baker, late sheriff of Boone county, and William H. Baker, James A. Miller, and John Hood, his securities, be, and they are hereby, relieved from the damages adjudged against them in a suit of the Commonwealth against said A. Q. Baker and his sureties, rendered in the Franklin circuit court at its October term, 1867, for failing to pay into the State Treasury the revenue of Boone county for the year 1866: *Provided*, That the full amount of principal, interest, and cost, and attorney's fees of said judgment is paid by the first day of May, 1868.

§ 2. That the further time of two years, from and after the passage of this act, be, and the same is, allowed said Baker to collect his unpaid fee bills, revenue and county levy, and for that purpose he shall have the same authority now allowed to sheriffs by law, and subject to same penalties as sheriffs now are under existing laws.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1121.

AN ACT for the benefit of Elijah Litton, late sheriff of Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the damages included in a judgment rendered against Elijah Litton and his sureties, for a balance due on the revenue of 1866, be released, provided said Litton or sureties shall pay the full balance of said judgment, including all the interests, costs, and attorney's fees that may have accrued in said case up to the time of payment, and upon the further condition that said payments be made on or before the first day of April, 1868.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1123.

AN ACT for the benefit of John H. Allison and Sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when John H. Allison and sureties shall pay into the Treasury the principal, interest, and cost, and cost

1868. of collection of a judgment rendered against them for the revenue due from the county of Lawrence for the year 1866, the damages thereon shall be remitted.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1124.

AN ACT for the benefit of James W. Johnson, late sheriff of Rowan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the payment of the principal, interest, costs, and attorney's fees of a judgment rendered against James W. Johnson, late sheriff of Rowan county, for the revenue due by him for the year 1862, the Auditor is hereby directed to credit him with his delinquent list of that year.

§ 2. That if the said Johnson shall pay into the Treasury, on or before the first day of June, 1863, the principal, interest, costs, and attorney's fees of said judgment, he shall be released from the payment of the damages included in same.

§ 3. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1125.

AN ACT to establish a Ferry across the Cumberland River at Eddyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a ferry is hereby established across the Cumberland river at Eddyville, Lyon county, Kentucky, and is hereby put under the control of the trustees of the town of Eddyville; and said trustees are hereby given the same power over the ferry as is exercised by the county courts of this Commonwealth over ferries in this Commonwealth; and that said trustees shall be subject to the same penalties, and shall have the same privileges as are now established by law to govern owners and keepers of ferries in this Commonwealth; and said trustees shall be responsible for the fulfillment of the present "ferry law" of this Commonwealth at said ferry.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1126.

1868.

AN ACT to authorize William Cox to keep a Ferry on Licking River, in Morgan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Cox be, and he is hereby, authorized to keep a ferry on Licking river opposite his own house and farm, near the town of West Liberty, Morgan county; and he, the said Cox, or his successors, shall be permitted to charge such amounts for ferriage as may be fixed by the county court of said county.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1127.

AN ACT to increase the Fees of Assessors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amount allowed assessors for their services, under article six, chapter eighty-three, of the Revised Statutes, title "Revenue and Taxation," shall be fifteen cents for each list of taxable property; the same to be paid as heretofore.

§ 2. That this act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1128.

AN ACT to erect a Monument over the Grave of the late Governor Lazarus W. Powell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Acting Governor of this Commonwealth, John W. Stevenson, be, and the same is hereby, authorized to contract for the erection of a monument over or near the grave of the late Governor Lazarus W. Powell; and, before contracting for said monument, he shall advertise for proposals and plans for the same.

§ 2. That when said monument shall have been erected according to contract, and the same certified to the Auditor of Public Accounts, it shall be his duty to issue his warrant on the Treasurer for an amount not exceeding fifteen hundred dollars, which amount is hereby appropriated, to

1868. be paid out of any money in the Treasury not otherwise appropriated.

§ 3. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1120.

AN ACT to provide for taking Proof, by Deposition, in the Jefferson Court of Common Pleas, and authorizing the appointment of a Commissioner or Commissioners for such purpose.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all actions, except for injuries to person or character, which now are, or may hereafter be, pending in the Jefferson court of common pleas, depositions may be taken, by the consent in writing of the parties to said actions, or their attorneys, upon interrogatories or notice, and read in evidence, with regard to the place of residence of the witnesses.

§ 2. Either party shall have the right, under rules prescribed by the court, to retake, on notice, any deposition, or cross-examine any witness, or produce such witness on the stand at the trial.

§ 3. Such depositions shall be taken under rules to be from time to time prescribed by the judge of said court; and in all commissions sent without the county of Jefferson, a copy of such rules shall accompany the commission.

§ 4. The judge of said court shall appoint, or may at pleasure remove, a commissioner or commissioners, whose duty it shall be to take depositions to be used in said court.

§ 5. Such commissioner or commissioners shall receive the compensation now provided by law for taking depositions: *Provided, however,* That when a deposition is of unusual length, the court may allow an additional fee for taking the same; and when, in consequence of the sickness or other disability of a witness to attend at the commissioner's office, he shall be allowed double fees for going to the witness.

§ 6. When, in the judgment of the court, the ends of justice require it to be done, the court may require all or any part of the witnesses within the jurisdiction of the court to be produced and examined upon the trial; and upon failure so to do by the party calling such witnesses, upon reasonable notice of the order, their depositions shall be excluded.

§ 7. Nothing herein contained shall preclude any party from the examination orally, upon the trial, of any witness, whether his deposition has been taken or not; and in all cases where a party examines orally a witness whose

deposition has been taken by him, the costs of taking said deposition shall be paid by said party.

1868.

§ 8. Any formal defect in the certificate to a deposition, may be amended by the officer certifying the same; and depositions taken at a distance may be withdrawn for the purpose of making such amendment, whenever exceptions are filed to such deposition for such cause, provided a copy be retained by the clerk.

§ 9. This act shall be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1132.

AN ACT to incorporate the Deposit Bank of Midway.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established the Deposit Bank of Midway; the capital stock of which institution shall not be less than twenty-five thousand dollars nor more than sixty thousand dollars, divided into shares of one hundred dollars each, which shall be personal estate and transferable only on the books of the company, in such manner and subject to such regulations as the board of directors may prescribe.

§ 2. That Wm. A. Moore, J. Y. Kinkead, James Ford, jr., E. W. Taylor, and F. A. Blackburn, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation herein created, who, or a majority of whom, may meet at some convenient time and place in the town of Midway, of which one month's previous notice shall be given, at which time they may open books and receive subscriptions of stock to said institution, and shall keep said books open for one month, and as much longer as said commissioners shall deem necessary, or until the stock is taken.

§ 3. That all the provisions of an act to incorporate the "Deposit Bank of Georgetown" be, and the same are hereby, applied to this corporation, omitting so much of said act as is embraced in sections first and second, and substituting the name of Midway where Georgetown occurs, and Woodford where Scott occurs.

§ 4. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1135.

AN ACT to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time in which the commissioners are required, by the third section of the act to which this is an amendment, to open books for the subscription of stock in said company, is hereby extended to two and a half years after the passage of this amendment.

§ 2. That the county courts of the counties through which the roads named in this, and the act to which this is an amendment, run, shall have full power and authority to donate to said road company, as a bonus, to induce capitalists to make the same, all lands lying within their respective counties, and which belong to the same, and also to donate, for said purpose, any lands which may hereafter accrue to, and become the property of, said counties, by virtue of any law of this county or otherwise.

§ 3. That the corporators of said company named in the first section of the act to which this is an amendment, or such of them as shall, at their own expense and trouble, procure bonuses such as are named in the thirty-fifth section of the act to which this is an amendment, may retain, as compensation for their services, such part of the bonus obtained by them respectively as may not be required to induce capitalists to take stock therein sufficient to build the same, not exceeding ten per cent. of the money bonuses and ten per cent. of the land bonuses so obtained.

§ 4. That the county courts named in the second section of this amendment shall not have power to make the donations therein named, unless a majority of the qualified voters in the county making the same shall authorize these courts to make said donations, and that fact is entered of record; and such donations shall not take effect until the said railroad is completed to the county seat of, or through that part of, said county over which it passes, in such time as shall be fixed by the court.

§ 5. That said company shall have power to branch their road from such point as shall be by them deemed most convenient, to make a road by the shortest route from Cincinnati to Knoxville or Chattanooga, and to extend the same to the State line at such point as shall be agreed upon, in order to meet any railroad that may be chartered by the State of Tennessee, to run from said point to either Knoxville or Chattanooga.

§ 6. That said company may begin their road at any point on the Kentucky Central Railroad, not exceeding one mile north of Falmouth, and not exceeding one mile south of Paris.

§ 7. Nothing in this amendment or the original act shall be construed to confer upon said company any banking privileges.

1868.

§ 8. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1136.

AN ACT to incorporate "The Elizabethtown and Owensboro Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Garvin, A. A. Gordon, Joseph T. Tompkins, Thomas Anderson, O. W. Thomas, John T. Moore, and Jo. D. Allen, of the city of Louisville; Samuel B. Thomas, Martin H. Cofer, Ambrose Geoghegan, A. M. Brown, H. B. Helm, E. Hansborough, Samuel Haycraft, B. R. Young, and Dr. Harvey Slaughter, of the county of Hardin; McHenry Meader, Lewis Duvall, Sanford Malin, Anslem Clarkson, Elijah Shacklett, and Henry Cissell, of the county of Meade; Dr. William Board, John C. Meader, Alexander McCans, John Hardin, L. A. Foote, S. R. Dent, Stephen R. Moredock, Edinboro Smith, Green W. Beard, N. L. Hensley, Elijah Board, S. V. R. Board, William Miller, jr., John Poole, John S. G. Smart, John Hardin, Thos. O. Moorman, Wm. J. Robertson, David R. Murray, Ro. R. Pierce, F. Fraize, A. B. Skillman, W. H. Webb, and E. Fisher, of the county of Breckinridge; George W. Williams, R. C. Beauchamp, Stephen Powers, Mike Hogg, Wm. Sterrett, James Mason, W. S. Gibbs, and Wellington, Corbett, of the county of Hancock; W. A. Hickman, A. L. Ashby, S. M. Wing, Jno. Wandling, Jno. Q. A. Stuart, S. D. Kennedy, Clinton Griffith, E. A. Hathaway, Thos. Monarch, Thos. S. Pettit, Eli H. Murray, and J. Wesley Mosely, of the county of Daviess, be, and they are hereby, appointed commissioners, under the direction of whom, or any three of whom, in each of said counties, cities, and towns, subscriptions may be received to the capital stock of the Elizabethtown and Owensboro Railroad Company, which is hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and if such subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority

1868.

of them, may cause said books to be opened, from time to time, and may adjourn to such places as they may deem expedient, until the sum necessary for its incorporation shall be subscribed: *Provided*, That any subscription tendered, at any time or place other than that advertised, may be received by said commissioners, or any one of them, and if accepted by them, or any one of them, shall be as valid and binding against the party subscribing as if received at the time and place advertised; and if any of said commissioners shall die, resign, or refuse to act during the continuance of the duties devolved on them by this act, others may be appointed in his or their stead by the remaining commissioners, or a majority of those acting as such.

§ 2. That the capital stock of said company shall be two millions of dollars, in shares of one hundred dollars each, which may be subscribed by any individual or corporation; and as soon as two hundred shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby, declared to be incorporated into a company, by the name of "The Elizabethtown and Owensboro Railroad Company;" and by this name shall be capable of purchasing, holding, selling, leasing, and conveying real estate, not exceeding ten thousand acres, and personal estate, so far as the same may be necessary for the purposes of the corporation, and no further; and shall have perpetual succession, and by said corporate name may sue and be sued, contract and be contracted with; and may have and use a common seal, and alter or renew the same at pleasure; and shall have and enjoy all the privileges which other corporate bodies may lawfully do.

§ 3. That there shall be paid at the time of subscribing for stock in said company, to the commissioner or commissioners receiving such subscription, the sum of one dollar on each share, to be paid in money, or in a note or notes negotiable and payable to some one or more of said commissioners, at not more than sixty days, at some bank in this State; and the residue thereof shall be paid in installments, and at such times as may be required by the board of directors of said company: *Provided*, No payment shall be demanded until at least thirty days' notice of such demand shall have been given by said board of directors, by publication in some one or more papers published in Louisville and Owensboro, nor shall more than fifty per cent. be demanded in any one year; but if the exigencies of the company should require more money than can be demanded of the stockholders, as provided herein, it shall be lawful, a majority of all the directors elected concurring therein, to borrow on the credit of said company a sum not exceeding five hundred thousand dollars; and if any subscriber

1868.

shall fail to pay any installment or part of an installment of said subscription, when demanded, according to the provisions of this section, the same may be recovered by an action in the name of said corporation against any such delinquent subscriber, before any court of competent jurisdiction, and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment or part of installment of said subscription demanded, according to the provisions of this section, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of directors may, in their discretion, order the same to be forfeited to the company, and may, if they think proper, sell it for the benefit of the company; but said board of directors, by a majority of the whole, may remit any such forfeiture on such terms as they may think proper: *And provided further*, That it shall be lawful to receive subscriptions to the capital stock of said company, payable in contracts, well secured, to build such parts of the road, or to perform such work or furnish such material, as may be accepted by the company.

§ 4. That at the expiration of the period for which the books are first opened, if two hundred shares of the capital stock shall have been subscribed, and if not, as soon thereafter as the same shall be subscribed, the said commissioners, or a majority of them, shall call a meeting, at such time and place as a majority of them shall designate, giving at least twenty days' notice of the time and place in one or more papers published in Louisville and Owensboro; and at such meeting said commissioners shall lay the subscription before the subscribers there present; and, thereupon, said subscribers, or a majority of them there present, shall have power to elect by ballot seven directors to manage the affairs of the company; and these seven directors, or a majority of them, shall have power to elect a president of said company, either from among the directors or any other stockholder, and to allow such compensation for his services as they think proper; and on such elections, and on all other occasions when a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voter; and any stockholder may, in writing, depute any other person to act as proxy for it, him, or her; and said commissioners aforesaid, or any three of them, shall be judges of said first election.

§ 5. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually on the first Saturday in June of each year, at such place as the president and directors may appoint, by

1868.

the stockholders of said company: *Provided*, That the president and directors may change the time and place of holding elections upon publishing said change not less than thirty days prior to the elections, in the papers aforesaid; and that the directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a president of said company, either from among themselves or other stockholders, and to allow him such compensation as they may deem proper for his services; and if any vacancy shall occur by death, resignation, or refusal to act, of any president or director, before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the president and directors, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors; and all elections which are by this act, or by the by-laws of the company, to be made at a particular time, if not made at such time, may be made in thirty days thereafter upon notice published in the papers aforesaid.

§ 6. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the president and directors, or a majority of them, or by the stockholders owning one fourth of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall specify the object of the call; and if, at any such called meeting, a majority in value of all the stockholders are not present in person or by proxy, the same shall be adjourned from day to day without transacting any business, for any time not exceeding five days; and if, within said five days, stockholders having a majority in value of all the stock subscribed do not attend in person or by proxy, such meeting shall be dissolved.

§ 7. That the president and directors of said company in office for the preceding year shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company; that at any called meeting of the stockholders, a majority in value of the holders of the stock subscribed being present, may demand and require similar statements from the president and directors, whose duty it shall be to furnish such statements when so required; and that, at all general meetings of the stockholders, a majority in value of them may remove from office the president, or any or all of the directors, and fill up the vacancies thus made in the same manner they could do at their annual meetings.

1868.

§ 8. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said president and directors, or a majority of them, or a majority in value of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a treasurer of said company, and to require and take of him a bond, in such penalty, and with such securities, as they may prescribe, payable to said company, conditioned for the faithful discharge of his duties, keeping and disbursing all such money as may come to his hands, and with such other conditions as may be prescribed; upon which bond recovery may be had for a breach of the conditions thereof, by suit in the name of the company in any court having jurisdiction.

§ 9. That if any of the stock authorized by this act shall remain unsubscribed until after the election of president and directors, as provided for in the fourth section of this act, the said president and directors, or a majority of them, shall have power to open the books and receive subscriptions to the stock which shall remain unsubscribed for, or to sell and dispose of the same for the benefit of the company, not under the par value of such stock; and the subscribers or purchasers of said stock shall have all the rights of original subscribers, and be subject to the same regulations and liabilities.

§ 10. That said president and directors, or a majority of them, may appoint all officers, agents, or servants, as they may deem expedient for the business of the company, and may remove them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents, or servants; and regulate, by by-laws, the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employees; that they shall have power to erect warehouses, workshops, and other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner, and by what evidence, stock in said company may be transferred; and to pass all by-laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and to alter the same at pleasure: *Provided*, The same shall not be contrary to the Constitution and laws of the United States or of this State.

§ 11. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors to increase the same

1868.

as much as they may deem necessary, not exceeding the sum of three million five hundred thousand dollars, giving notice as hereinbefore required.

§ 12. That the president and directors of said company are hereby vested with all powers necessary to the construction of a railroad from Elizabethtown to Owensboro, along such route as may be selected by the president and directors, passing through or near the towns of Big Spring, Hardinsburg, and Cloverport; and that they may cause to be made contracts with others for making said road, or any part of it; and they, their agents, engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other structures, or works necessary and convenient to said road, or for its use, or for any other purpose necessary or useful in the construction or repair of said road or its works and appurtenances; and they may build bridges and construct tunnels, provided such bridges shall not obstruct navigation on any navigable stream; and may fix scales and weights, take and use timber, earth, gravel, stone, and other material necessary or useful in the construction and repair of said road.

§ 13. That the president and directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber, or other materials or improvements, which may be wanted for the construction or repair of said road or any of their works, for the purchase or the use and occupation of the same; and if they cannot agree, and the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant, directed to the sheriff or any constable of said county, requiring him to summon twenty discreet men, not related to the owners nor in any way interested, to meet on the land, or near the property or materials to be valued, on any day named in said warrant, not less than ten nor more than twenty days after the issue of the same; and if, at the time and place, any of said jurors do not attend, said sheriff or constable shall forthwith summon as many jurors as may be necessary with the jurors in attendance; and from them each party, if present, or, if not present, by agent or otherwise, the sheriff or constable for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages. Before the jury acts, the sheriff or constable shall administer to them an oath or affirmation that they will justly and impartially fix the damage which

1868.

the owner or owners may sustain by the use or occupation of said property required by said company; and the jury, in estimating the damages, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in estimating damages resulting incidentally to the other land or other property of such owners, shall offset the advantages to such residue to be derived from the building or operating said road by, through, or near such residue. The jury shall reduce their verdict to writing and sign the same, and it shall be returned by the sheriff or constable to the clerk of the county court of his county; and such clerk shall receive and file it in his office; and such verdict shall be confirmed by the county court, at its next regular term, if no sufficient reason is shown by either party for setting it aside; and when so confirmed, it shall be received by the clerk, at the expense of said company; but if set aside, the court shall direct another inquisition to be held by the sheriff of the county in the manner above prescribed; and every inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or to the sheriff of the county in which said inquest is held, when such owner or owners do not reside in the county, shall entitle said company to the use or interest in the same thus valued as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may, at any time thereafter within one year, be received from the company, without costs or interest, by the owners, his, their, or its legal representatives: *Provided*, That land condemned for road-way shall not be more than sixty feet wide, unless said company shall file with the justice, at the time of applying for a warrant, the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

§ 14. That whenever it shall be necessary for said company to have, use, or occupy any lands, material or other property, in order to the construction or repairing of said road, or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury, formed as hereinbefore prescribed; and it shall not be necessary after such view, in order to the use and occupancy of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using

1868. such property, whether begun before or after such confirmation or payment of such valuation.

§ 15. That any county through which said proposed railroad shall pass is hereby authorized to subscribe stock in the said railroad company in any amount any county may desire; and the said county courts of any such county are authorized to issue the bonds of their respective counties in such amounts as the county court may direct, payable to bearer, at any rate of interest not exceeding eight per cent. per annum, payable semi-annually in the cities of Louisville or New York, and to deliver all such bonds to said railroad company in payment, at par, for stock in said railroad company. But before any such subscription on the part of any county shall be valid and binding on the county, the county court of such county shall submit the question of any such subscription to the qualified voters of any county in which the proposed subscription is made, at such time or times as the county court of said counties may direct; and should a majority of the qualified voters, voting at any such election, vote in favor of subscribing stock in said railroad company, or should a majority of the qualified voters of any county, through which said railroad may pass, petition the county court of their respective counties to subscribe stock in said railroad, designating in said petition the amount to be subscribed, then, in either event, it is hereby made the duty of the county court of any county, to which such petition or vote shall be presented, to make the subscription in the name of their respective counties, and proceed to have issued the bonds to the amount of such subscriptions as herein directed; and the county courts of the counties that may subscribe for stock in said railroad are hereby authorized to levy a tax upon the tax-payers of their respective counties, taxable under the revenue laws of this State, a sum sufficient to pay the interest on said bonds, and the costs of collecting the same as the same matures; and, at the maturity of said bonds, a tax, in like manner, that will pay the principal of said bonds; and the tax-payers of any of said counties paying tax to said railroad, under the provisions of this act, shall be entitled to stock in said railroad to the amount of the taxes they may pay towards the payment of the principal or interest of said bonds, which shall be issued to them by said railroad upon the presentation of their receipts; and the county courts of said counties shall have power to enforce the collection of said railroad tax as other taxes, and appoint collectors, or require the sheriff to collect the tax, and take such bond from them as they may require.

§ 16. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1137.

1868.

AN ACT to incorporate the Cedar Hill and Oakland Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. B. Thomas, Collis Ormsby, M. Hughes, S. P. Weisiger, W. S. Parker, Henry A. Dumesnil, and Robert J. Ormsby, and their successors, he, and they are hereby, created a body corporate and politic, by the name of the "Cedar Hill and Oakland Railway Company," for and during the term of thirty years, with all the powers and authority incident to corporations, for purposes herein-after mentioned.

§ 2. This corporation is hereby authorized and empowered to construct, maintain, and operate a single or double track railroad, with all necessary and convenient tracks for turn outs, side-tracks, and appendages, in the city of Louisville, or over such street or streets in said city, with such further extensions on the same or other streets in the city of Louisville, as the general council of said city may authorize said corporation so to do, in such manner, and upon such terms and conditions, and with such rights and privileges, as the general council may, by contract or otherwise with said corporation, or any of them, prescribe.

§ 3. The capital stock of the "Cedar Hill and Oakland Railway Company" shall be fifty thousand dollars, and may be increased, from time to time, at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

§ 4. The affairs of said corporation shall be managed by five directors, one of whom shall be president, all of whom shall be stockholders. The first board of directors shall consist of S. B. Thomas, Collis Ormsby, W. S. Parker, H. A. Dumesnil, and Robt. J. Ormsby, who shall continue in office until their successors are elected by a majority of those in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for one year, or until their successors are elected and qualified. If any of the above directors decline, or refuse to act, a majority of the others shall fill the vacancy by appointing or choosing some one else. They may adopt such by-laws, rules and regulations, for the government of said corporation, and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of the State. The said corporation, or any of them, may open books of subscription, and receive subscription to the capital stock of the "Cedar Hill and Oakland Railway Company" herein incorporated, and such books of subscription may be opened

1868.

and subscriptions received at such time and places, and upon such notices thereof, as any three of said corporation may deem right and proper.

§ 5. That when the number of two hundred shares of the capital stock of said corporation shall have been subscribed, and ten per cent. of said subscriptions paid in, the corporators or any of them shall give notice of the time at which an election shall be held for a new board of directors, who shall continue in office as provided herein. The board of directors may fill all vacancies in their body which may happen by death, resignation, or otherwise, and may make such calls of payment of stock as they may deem proper, not to exceed twenty per cent. for every thirty days.

§ 6. The said corporation is further authorized to extend such railways as they may be authorized to construct under this act, to any point or points not exceeding five miles from the city of Louisville; and to enable said corporation to construct any railway authorized by this act, the said corporation is invested with the right to acquire such land or right of way, by purchase or contract with the owners thereof, as may be necessary for the laying the tracks, side-tracks, turn-outs, and for car-sheds and stables. The said corporation is authorized and empowered to acquire and hold and convey real estate, exclusive of the tracks and right of way, not to exceed twenty-five thousand dollars. The said corporation may borrow money not to exceed the capital stock of the company, and issue bonds in sums of five hundred and one thousand dollars, and may pledge and mortgage the property of the corporation, including the railway tracks, fixtures, rolling stock, and all the appurtenances and real estate belonging to said corporation.

§ 7. The cars to be used upon said railroad shall be operated with animal power; the rate of speed, frequency of the trips, and price of fare, shall be regulated by said general council of Louisville. The privileges granted under this charter shall cease and be void upon a failure of said corporation to organize and commence the work within two years next after the passage of this act.

§ 8. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1138.

1868.

AN ACT to incorporate the Louisville, Harrodsburg, and Virginia Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James S. Lithgow, J. J. Porter, W. B. Hoke, Lyttleton Cooke, J. J. Allnutt, Lewis Smyser, T. L. Jefferson, Jno. T. Moore, M. A. Downing, Fred. Vissman, and John B. Davis, of the city of Louisville; J. W. Mitchell, Jno. Burks, Joshua B. Parks, Geo. A. Hoke, Joseph Hite, W. H. Frederick, E. D. Standeford, Edward Hikes, Stephen T. Beard, and Robert Caruthers, of Jefferson county; Alexander Veech and Jack Allen, of Shelby county; Mark E. Huston, Jas. P. Beard, Yoder Poignard, James Wakefield, S. R. Norman, Bannister Stodgill, Wm. P. Beard, Robert Cochran, and A. C. Kincheloe, of Spencer county; Joseph B. McLasky, D. P. Stout, Th. K. Marshall, N. G. Thomas, and Lud. McKay, of Nelson county; J. H. Yowell, W. H. Morgan, D. H. Hanks, John F. Wills, and J. H. Franklin, of Anderson county; D. R. Hayes, R. J. Browne, Wm. Neel, Watts McMeekin, Henry Brown, Henry Isham, Thos. R. Phelps, David Cheatham, Samuel Kirkendall, Tho. Brown, of Washington county; Beriah Magoffin, P. B. Thompson, Sandford McBrayer, A. G. Kyle, Nelson Brown, of Mercer county; M. J. Durham, C. T. Worthington, J. M. McFerran, Benjamin Bell, of Boyle county; W. J. Lusk, J. F. Dunn, J. L. Adams, J. K. Falkner, and E. D. Kennedy, of Garrard county; A. T. Chenault, Madison Todd, J. J. Farris, Stephen Walker, William Ellmore, and J. Newland, of Madison county; G. W. Baker, H. S. Powell, J. J. Clarke, A. Powell, and Wm. Rader, of Jackson county; J. K. McClary, Wm. Brooks, and G. Pearl, of Rockcastle county; David Y. Lyttle, T. T. Garrard, H. L. White, James Smith, F. Gilbert, and A. J. Herd, of Clay county; J. Deaton, Wm. Dry, Joseph Little, O. C. Strong, and C. Jett, of Breathitt county; A. C. Godsey, L. Morgan, J. A. Duff, J. H. Combs, and R. C. Combs, of Perry county, he, and they are hereby, appointed commissioners, under the direction of any two of whom, in their respective counties, subscription may be received to the capital stock of the Louisville, Harrodsburg, and Virginia railroad company, hereby incorporated; and they or any two of them may cause books to be opened, at such times and places in their respective counties as they may direct, and for the purpose of receiving capital stock in said company, after giving such notice of the times and places of opening the same as they may deem proper; and after first opening said books, they shall be kept open from day to day until the sum necessary to the incorporation of said company shall be subscribed; and, should any of the commissioners appointed under this act fail or refuse to act, the remain-

1868. ing commissioners, or a majority of them, may fill such vacancies.

§ 2. That the capital stock of the Louisville, Harrodsburg, and Virginia Railroad Company is not to exceed five million dollars, in shares of fifty dollars each, which may be subscribed for by any individual, corporation, or county; and it shall be lawful that the lands within the counties, and lying along and within the distance of five miles of the line of said road, and beginning five miles from the limits of the city of Louisville, on each side of said road to the distance of five miles, may be, by consent of a majority of the voters within said limits, taxed annually for ten years the amount of twenty cents per acre on the two and a half miles nearest and adjacent to said road, and ten cents for the residue of the land extending out to the limits of five miles on each side of said road; and that the amount of taxation assessed and collected upon said lands from each and every person shall entitle said person or persons to certificates of stock or shares in said road to the amount so collected; and the secretary of said company shall, upon presentation of such tax receipts to the amount of fifty dollars, and properly authenticated, issue to the holder thereof a certificate of stock; and as soon as ten thousand shares of the said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the "Louisville, Harrodsburg, and Virginia Railroad Company;" and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying real estate, not exceeding twenty thousand acres, and personal and mixed estate, so far as the same may be necessary for the purposes hereinafter mentioned; and shall have perpetual succession; and by said corporate name may sue and be sued; and may have and use a common seal, which they shall have power to alter or renew at their pleasure; and shall have, enjoy, and may exercise, all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act.

§ 3. That on all subscriptions there shall be paid to said commissioners the sum of five dollars on every share subscribed for, and the residue shall be paid at such times and in such installments as may be required by the president and directors of said company: *Provided*, No payment shall be demanded until at least thirty days' public notice of such demand shall have been given by the president and directors, nor shall more than twenty-five per cent. of each share of stock be called for in any one year. But should exigencies of the company require the money to hasten the completion of the road, it shall be lawful for the president and directors to borrow the money, not exceeding the sum

of five hundred thousand dollars; and if any should fail to pay any installment or subscription, according to the provisions of this section, for the space of sixty days after the same becomes due, the stock upon which the same was demanded shall be forfeited to the company, if the president and directors so declare.

1868.

§ 4. That if the subscription herein made necessary to the incorporation of said company shall not be obtained within five years after opening the subscription book by the commissioners, this act and all the subscriptions under it shall be null and void; and, after paying the expense and liabilities, the residue of the money shall be returned to the subscribers in proportion to the sum paid by them.

§ 5. That so soon as practicable after ten thousand shares of stock shall have been subscribed, the commissioners, or a majority of those acting, shall call a meeting of subscribers at some designated place, by giving twenty days' public notice; and that at said meeting the commissioners shall lay the subscription books before the subscribers present; thereupon the said subscribers shall elect twelve directors from among the stockholders, by ballot, to manage the affairs of the company; each stockholder shall be allowed one vote for every share of stock owned by him or her, and may, in writing, depute any person to cast the vote or votes to which they would have been entitled if present.

§ 6. That, to continue the succession of the president and directors of said company, a president, treasurer, secretary, and twelve directors shall be chosen annually, on the first Wednesday in May in every year, at such place as the board may designate; and should any vacancy occur by death, resignation, or otherwise, before the expiration of the year for which he was elected, the president and directors may choose those necessary to fill the vacancy. One person may fill the offices of treasurer and secretary, and in all meetings of the board have an equal voice with the president or any director. The directors shall receive no pay for their services, but may fix the salary of the president, treasurer, and secretary.

§ 7. That at each regular yearly meeting it shall be the duty of the president, treasurer, and secretary, to exhibit in writing a clear and distinct statement of the affairs of the company, and oftener if required by a majority of the directors; and every officer shall, before he acts as such, take an oath that he will well and truly discharge the duties of his said office to the best of his skill and ability.

§ 8. That it shall be lawful for any city, town, or county, to subscribe for stock in said road; said stock to be paid for according to any terms agreed upon by the directory

1868.

of the road, or the commissioners of said city, town, or county.

§ 9. That if any of the stock created by virtue of this act shall remain unsubscribed until after the election of the president and directors, as provided for in section second of this act, the said president and directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said company which may remain unsubscribed for, or to sell or dispose of such unsubscribed stock for the benefit of the company, for any sum not under its par value; and the purchasers or subscribers of said stock shall have all the rights, powers and privileges, of original subscribers, and subject to the same rule.

§ 10. The president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whomsoever, as they may deem necessary for the transaction of the business of the company, and may remove them at their pleasure; also determine, by contract, the compensation of all the officers or servants in the employ of the company; and regulate, by their by-laws, the manner of adjusting and settling the accounts against the company; also power to erect buildings for the safe-keeping of the articles intrusted to them for transportation, and all necessary buildings for the business of the company.

§ 11. That the president and directors of said company shall be, and are hereby, invested with all the rights and powers necessary for the construction and repair of a railway, with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point in or adjoining the city of Louisville, Kentucky; thence, by such route as they may select as the nearest and most direct and practical, through Spencer county, at or near Taylorsville; thence through the counties of Washington, Anderson, Mercer, and Boyle, any or all of said counties, as to said commissioners may seem best, in the most direct and practical route to the Kentucky and Virginia line, in the direction of Abingdon or Wytheville, Virginia; said road not to exceed sixty feet in width, with as many sets of tracks as the president and directors may deem necessary; and may contract with others for making said railroad, or any part of it; and they, their agents, or those with whom they may contract for the building of any part of said road, may enter upon and use and excavate any land which may be wanted for the site of said road or the location of warehouses or other works necessary to said road, or for any other purposes necessary in the construction or repair of said road or its works; and they may build bridges, provided they do not

obstruct the navigation of navigable streams; may fix scales and weights; may lay rails; may take and use any earth, timber, gravel, stone, or other material which may be wanted for the construction or repair of said road or any of its works; and construct all works necessary to the completion of said road; and, where any parties owning lands or material for use of said road shall be incompetent or unwilling to convey or contract with said president and directors of said company, the lands or material necessary for the use and construction of said road, then, and in that event, said president and directors are empowered to use the lawful and legal remedies that have been used by any of the railroad companies in Kentucky, in acquiring the same.

1868.

§ 12. That any county or counties through which this railroad shall pass shall have the right to issue their bonds to subscribe or pay for stock in said road, having first submitted the question to the voters of the county; a majority of the voters of each county shall vote for the same; and it shall be the duty of the county judge of any such county, upon the written application of twenty citizens thereof, to order the polls to be open at the regular voting places in said county, after giving twenty days' public notice by advertisement stuck up at each precinct in the county. Said judge shall designate officers to conduct the election; said officers being liable to the same penalties now in force against officers of State elections who shall be guilty of fraud or misconduct.

§ 13. That the president and directors of said company shall have the power to issue the bonds of said road in amount not exceeding one million of dollars, with coupons thereunto attached, at a rate of interest not exceeding eight per cent. per annum, payable semi-annually, said bonds payable in such time as they may agree upon, not exceeding twenty years; and the holders of said bonds shall have a lien upon the road, all its fixtures, rolling-stock, and appurtenances of any every description, belonging to said company.

§ 14. That this act is to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1139.

AN ACT to incorporate the Paris, Versailles, and Danville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Hawes, Frank P. Clay, T. Kelly Elliott, John G. Craddock, R. S. Henderson, and Robert Davis, of Bourbon county; and Madison Johnson, Breck.

1868.

Thomas, William P. Breckinridge, Charles Foushee, of Fayette county; and J. Hart Gibson, Clarence Greathouse, William Utterback, W. L. Graddy, S. H. Robinson, Catesby Barnes, sr., Sanford Lyons, Caleb Miller, and Thomas Edwards, and James W. Brookie, of Woodford county; and John Witherspoon, James M. Bell, Monroe Walker, John L. McGinnis, John F. Willis, L. W. Chambers, F. M. Bourne, and Thomas H. Hanks, of Anderson county; and P. B. Thompson, Sanford McBrayer, Thomas E. Bell, Berriab Magoffin, and Wood Vories, of Mercer county; and M. J. Durham, Mike Chrisman, J. F. Bell, J. McFerrin, of Boyle county, be, and they are hereby, appointed commissioners, under the direction of whom, or any two of them, in each of the counties aforesaid, subscriptions may be received to the capital stock of the "Paris, Versailles, and Danville Railroad Company" hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given notice of the times and places of opening the same as they may deem proper; and after the first opening of said books, they may continue them open for such times, and may adjourn to such places, as they may deem expedient; and if such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority of them, may cause said books to be opened, and kept open, from time to time, and at such places as may seem expedient, for the space of two years thereafter, or until the sum necessary for the incorporation shall be subscribed: *Provided*, That any subscription tendered, at any time or place other than that advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing as if received at the time of place advertised; and if any of said commissioners shall fail or refuse to act during the continuance of the duties devolved on them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them, of the county for which said commissioner so failing or refusing to act was appointed a commissioner; and a majority of said commissioners shall have power to appoint any number of commissioners, not exceeding twenty, for each county through which the route of the road hereby authorized to be constructed shall pass, in locating the same to the Tennessee State line, who, when appointed, shall have the same power, and be subject to the same responsibilities, as the commissioners hereinbefore named.

§ 2. That the capital stock of the Paris, Versailles, and Danville railroad company shall be three millions of dollars, in shares of one hundred dollars each, which may be

1868.

subscribed for by any individual or corporation; and as soon as three thousand shares of the said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall, and they are hereby, incorporated into a company, by the name and style of the Paris, Versailles, and Danville Railroad Company; and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying real estate and personal and mixed estate, so far as the same shall be necessary for the purposes hereinafter mentioned; and shall have perpetual succession; and by said corporate name may sue and be sued, plead and be impleaded; and may have and use a common seal, which they shall have power to alter, abolish, or renew at pleasure; and shall have and enjoy all the rights, powers, and privileges, which other incorporated bodies may lawfully do for the purposes mentioned in this act.

§ 3. That at every such subscription there shall be paid, at the time of subscribing, to said commissioners, or their agent, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in installments, and at such time as may be required by the president and directors of said company: *Provided*, No payment shall be demanded until at least thirty days' notice of such demand shall have been published; nor shall more than fifty per cent. of any subscription be demanded within any one year. And if any subscriber shall fail or neglect to pay any installment, or part of any subscription, according to the provisions of this section, for the space of sixty days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to said company, and may be sold by the president and directors for the benefit of the company; but the president and directors, or a majority of them, may remit such forfeiture on such terms as they may deem proper.

§ 4. That if the subscription herein made necessary to the incorporation be not obtained within fifteen years after the first opening on the subscription books by said commissioners, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscriptions to the several subscribers, in proportion to the sums respectively paid in by them.

§ 5. That, at the expiration of the thirty days for which the books are first opened, if three thousand shares of capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, the said commissioners or a majority of them shall call a general meet-

1868.

ing of the stockholders, at such times and places as they may appoint, giving at least twenty days' notice thereof; and, at such meeting, said commissioners shall lay the subscription books before the subscribers, then and there present, and thereupon the said subscribers, or a majority of them there present, shall, from among the stockholders, elect six directors, by ballot, to manage the affairs of said company; and the directors so elected, or a majority of them, shall have power to elect a president of said company, either from among the directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and in said election, and on all other occasions where a vote of stockholders may be required, each stockholder shall be allowed one vote for every share owned by him, her, or it, and every stockholder may, by writing, depute any other person to vote for him, her, or it, as his, her, or its proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of said first election of directors.

§ 6. That, to continue the succession of the president and directors of said company, eleven directors for said company shall be chosen annually, on the first Monday in May in every year, in the town of Versailles, by the stockholders of said company; and the directors composing each successive board shall have power to elect a president and affix his compensation, as provided in the preceding section; and if any vacancy shall occur by death, resignation, or refusal to act, by any president or director, before the year for which he was elected has expired, a person to fill such vacancy for the residue of the year may be appointed by the president and directors of said company, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors has been held; and, in all elections held by the stockholders of said company, judges shall be appointed by the president and directors, or a majority of them; and all elections to be held on a particular day, or at a particular time, if not made on such day or at such time, may be made at any time within sixty days thereafter.

§ 7. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings, by the president and directors of said company, or a majority of them, or any number of stockholders owning at least one fourth of the whole stock subscribed, upon giving thirty days' public notice of the time of holding the same, which shall be in some one of the county seats along the line of said road, named in the advertisement; and when such meetings are called by the stockholders, such notice shall specify the particular object

1868.

of the call. If, at any such call meeting, a majority in value of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, without transacting any business, for any time not exceeding three days; and if, within three days, stockholders having a majority in value of the stock subscribed do not attend, such meeting shall be dissolved.

§ 8. That, at the regular meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; and at any called meeting, a majority in value of the stockholders being present, a majority in value of the attending stockholders may require similar statements from the president and directors; and at all general meetings of the stockholders, a majority in value of all the stockholders in said company may remove from office the president or any of the directors of said company, or all of them, and fill up vacancies thus created, in the same way and to the same extent that they could do at their stated annual meetings.

§ 9. That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

§ 10. That if any stock created by virtue of this act shall remain unsubscribed until after the election of the president and directors, as provided for in this act, the said president and directors, or a majority of them, shall have power, either by themselves or such agents as they may appoint, to open books and receive subscriptions to any of the capital stock of said company which may remain unsubscribed for, or to sell or to dispose of such unsubscribed stock, for the benefit of the company, for any sum not under par value; and the subscribers or purchasers of such stock shall have all the rights, powers and privileges, of original subscribers, and subject to the same regulations.

§ 11. That the president and directors of said company are hereby invested with all the rights and powers necessary for the construction, repair, and maintenance of a railroad, to begin at or near the city of Paris, in Bourbon county, or at Lexington, in Fayette county, and from thence running to the town of Versailles, in Woodford county, and through the counties of Bourbon or Fayette, Woodford, Anderson, Mercer, and Boyle, or through such of the aforesaid counties as may be deemed necessary; in selecting a suitable site for the location of said road, to follow the general course herein indicated; and to run through or near the towns of Versailles, in Woodford county, Lawrenceburg, in Anderson county, and Harrodsburg, in Mercer county, to some suitable point in the line between Tennessee and

1868.

Kentucky, in the direction of McMinnville, Tennessee, to be by them determined, with as many sets of tracks as they may deem necessary, not altogether exceeding sixty feet in width, either by themselves, their agents, or those with whom they may contract, enter upon, use, and excavate any land, which may be wanted for the location of the site of the road, or the location of warehouses or other buildings necessary for the road, or for any purpose necessary or useful in the construction or repair of said road or its works; and they may build bridges; may fix scales and weights; may lay rails; may take and use any earth, timber, gravel, stone, or other materials, which may be needed for the construction or repair of said road; and may make and construct all works whatsoever which may be necessary or expedient in order to the proper completion of said road.

§ 12. That said president and directors, or a majority of them, may, if they shall deem it to the best interests of the stockholders, or if the stock subscribed is not sufficient to complete said road, contract with the Louisville and Frankfort and Lexington railroad company for the use of their road from any point between the city of Lexington and the city of Frankfort; and all such contracts for the use of said road, its warehouses, &c., shall be binding upon said company, as well as the Louisville and Frankfort railroad company, both being authorized, by their president and directors, to make such contracts.

§ 13. That said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of said company, determine their compensation, regulate their duties and responsibilities, and may remove them at pleasure; and the said president and directors, or a majority of them, shall direct the manner, and by what evidence, stock in said company may be transferred; that they shall determine the location and character of the road proposed by this act to be constructed; and maintain, negotiate, and confirm contracts for the completion of same, or for any part thereof; place, locate, and direct any depots, stations, machine-shops, warehouses, or other necessary buildings, either for the temporary or permanent uses of said company; purchase and secure any locomotives, cars, engines, or other rolling stock they may deem necessary; and shall pass and enact such rules and by-laws as they may deem best for carrying the objects of said incorporation into effect: *Provided*, Such by-laws be not contrary to the Constitution and laws of the United States and of this Commonwealth.

§ 14. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall

and may be lawful for the president and directors, or a majority of them, to increase the said capital stock, from time to time, by the addition of as many shares as they may deem necessary, not exceeding in amount the further sum of two millions of dollars, which may be disposed of in the manner provided in the tenth section of this act; and, if the exigencies of the company should require the payment of the stock to be made more rapidly than is provided for in this act, or a majority of the whole number of the president and directors consider it expedient for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said company, for such length of time as they may think best, and at a rate of interest not exceeding eight per centum per annum, a sum of money not exceeding the sum of one million of dollars; and the said president and directors may, upon the request of the stockholders representing two thirds of the stock, mortgage the said road to raise any portion of the said sum necessary for its completion.

1868.

§ 15. That the president and directors of said company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, stone, gravel, or other materials, or any improvements which may be wanted for the construction or repair of said road, its bridges, stations, depots, turnouts, or any of its works; and on application of said company to the county courts of the several counties through which said road may be wished to extend, such court shall appoint a civil engineer and two impartial commissioners, whose duty it shall be to take from owners and proprietors of land, and from those having an interest therein, and through which it is proposed the road shall pass, a grant of the right of way through the same; and said engineer and commissioners, or either of them, shall have the same power to take acknowledgments of the grantor or grantors, and certify the same for record, that the several clerks of the county courts now have; and also to take and certify the privy acknowledgments of married women; and it shall be the duty of the county court clerks of the respective counties to receive and record the grant with the certificate; and said grant so certified and recorded, shall vest in the company all the rights expressed in and intended to be vested by the terms of the grant; and the grants of the right of way may include the fee, and the right to stone, earth, gravel, and timber, on the granted or adjoining land, for the making or repair of said road.

§ 16 That in all cases where the owners or proprietor of land shall, from legal incapacity or other cause, fail or refuse to grant the right of way, it shall be lawful and the

1868. duty of said engineer and commissioners, or any two of them, from their own view and such proof as shall be presented, to value the lands required for the road separately, and the disadvantages to the adjoining lands separately, and the advantages the road will be to the proprietors of adjoining lands separately, and make report of the same, together with a map of the road through such county, to the clerk of the county court of such county, with the name or names of the owner or owners of such lands, and whether he, she, or they are residents of the State or non residents, and infants or adults; and it shall be the duty of the clerk to issue a summons against all such owners to show cause why the grant of the right of way shall not be made on the payment of the balance, if any, of the value of the land, as represented; and upon the service of said summons on the owner or owners, if in the county, and if not, on his, or her, or their agent in the county, if he, she, or they have one, ten days, the county court shall have jurisdiction on said report to order the balance, if any, of the assessed value of the land to be paid, and the grant of the right of way to be executed to the company, by a commissioner to be appointed by the court for that purpose: *Provided*, That, if the owner or owners be out of the county, and have no known agent within the same, it shall be lawful to send the summons within the State where the owner is, or where his, or her, or their agent may be; and if said owner or owners be a non-resident of the State, and have no known agent, the court shall make an order of appearance to a named day, not less than four weeks distant, and appoint an attorney to correspond with the owner and defend for him, her, or them; and where the owner is an infant or otherwise incapacitated in law, the court shall appoint a guardian *ad litem* to appear for such party and make defense; and it shall be lawful for the court to take up the case as to any one owner who is before the court, without waiting until all are served; and if the owners be not known, they shall be brought before the court as unknown heirs or owners.

§ 17. That it shall be lawful for the company or for the owner to traverse the report, or for both to traverse it, and claim a jury to value the land required for the road, and to assess the damages to the adjoining lands, and the advantages which the road shall be to the same, all of which shall be done separately; and thereupon, the court shall cause a jury to be empaneled to try the traverse or traverses in open court and under its direction, and to order the damages found by the jury to be paid, and also the damages to the adjacent lands, first deducting therefrom the value of the estimated advantages the road will be to the same; and the court shall have the right to grant to either

1868.

party a new trial for the same causes that new trials are granted in suits at law, and either party may appeal or take a writ of error; but no appeal or writ of error shall prevent the company from proceeding to construct the road: *Provided*, That the value of the estimated advantages that the road will be shall in no case be deducted from or set off against the assessed or estimated value of the land taken or required for said road.

§ 18. That whenever, in the construction of said road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of said president and directors to construct the said road across such established road or way so as not to impair the uses and purposes of the same; and whenever it shall be necessary to pass through the land of any person, proper wagon-ways shall also be provided for such person to pass from one part of his land to another; and, with such provision, said road shall be entitled to pass over or across all public roads or highways.

§ 19. That in all cases where said company shall require the temporary occupancy of land or the use of earth, stone, timber, or other materials, in the construction of said road, and shall not be able to agree with the party or parties owning, as to the value thereof, the same may be valued by the engineer and commissioners provided in this act, and the value thereof determined, and the controversy settled in the same manner, and by the same course of procedure, provided in the case of contest about the right of way.

§ 20. That it shall be lawful for said company to contract with the county court of any county or counties, and with any turnpike road or other corporation, or with any individual person or persons, for the joint construction of any bridge or bridges necessary in the building of said road; and such bridge or bridges may be erected and used for purposes of other travel; and such tolls or fees for passengers thereon, as the county court or courts of the county or counties in which said bridge or bridges may be located may agree and affix, shall be charged and collected by said company, or by said company and its associates in the building thereof.

§ 21. That the said company, by such agents as they may appoint, shall be entitled to charge and receive, or in their corporate capacity to collect, for tolls and the transportation of passengers, goods, produce, merchandise, and property of any kind whatsoever, transported over their road, the same rates and prices of fare and freights which the Louisville and Lexington railroad company are now entitled by law to charge; and such right to charge

1868.

and collect shall vest in said company as soon as twelve miles of said road shall be completed.

§ 22. That the president and directors of said company shall annually or semi-annually, as they may deem proper, declare and make such dividends as they may deem proper of the net profits arising from the resources of said company, after deducting the necessary current and probable contingent expenses; and they shall divide the same among the stockholders of said company in proportion to their respective shares.

§ 23. That should said road ever be sold by proceedings on mortgages, or deeds of trust, for debts or other legal process than upon mortgages or by contract, the purchaser or purchasers shall be entitled to all the rights and privileges of this act of incorporation, and any amendments which may have been made thereto, and be subject to all the obligations, limitations, and restrictions of the same.

§ 24. That the counties through which said road may pass shall have the right, by the judge of the county court, acting as the agent of said county, to subscribe to the capital stock of said company in any sum not exceeding five hundred thousand dollars, on such terms and conditions as may be agreed on in the manner prescribed in this act, not to exceed five years in its payment in installments. Before such subscription shall be made, there shall be presented to the court the written petition of twelve citizens of the county, who shall be tax-payers and house-keepers in the county, to the judge of the county court, in open court, requesting said subscription; on the presentation of such petition, the terms of subscription shall be stated in an order of court entered of record, and the question of subscription shall be submitted to the voters of the county qualified to vote for a representative. It shall be voted on at the next regular election held in August succeeding the order. Notice, coupled with the terms, shall be posted in a plain handwriting or printed, at the court-house door, and at each place of voting, one month preceding the election and on the day of election; and it shall be the duty of the sheriff to make known, by proclamation at the opening of the polls, that such vote will be taken, and read the terms. The poll-books shall be made with two columns, one headed "For the railroad subscription," the other "Against the railroad subscription." Each voter, on offering to vote, shall be asked by the sheriff "Do you vote for or against the railroad subscription?" His vote shall be set down as the voter answers the question. At the time the polls are compared, the county judge shall attend with the officers whose duty it is made to compare the polls, and with them count the number of those who voted for and against the subscription. If it shall appear

1868.

that a majority of those voting cast their votes in favor of the subscription, a record shall be made on the order-book of the county court, stating the number of votes for and against the subscription. It shall then be the duty of the county judge to make an order directing a subscription to be made, in a subscription book for stock, which subscription the said judge, for and in behalf of the voters of the county, shall make, setting forth the terms of subscription. The judge of the county court shall appoint an agent of the county to vote in all meetings of the stockholders, but such agent may vote by proxy. It shall be the duty of the county judge to make all levies for money necessary to pay such stock, according to the terms of subscription, together with the costs of collection. The sheriff and under sheriffs may distrain for the same as in the collection of other taxes. He shall give bond with security to the county for the use of the corporation, for the collection of the sums levied. For failure to pay, may be sued or motioned; in either event, he shall be assessed to pay ten per cent. on the sum he has failed to pay. The sheriff shall be allowed five per cent. on the sum collected; he shall execute to each tax-payer a separate receipt, specifying the sum paid, and that it was to pay railroad subscription. The county court shall appoint a treasurer for the county, to whom all moneys shall be paid collected for railroad purposes, which sums he shall pay over to the agent or receiver of the corporation on demand; he shall execute bond with security, for the faithful keeping and payment of the sums received by him. The county court shall fix his salary. If the terms submitted shall provide for the payment of the subscription by the bonds of the county, such bonds shall be made payable to the president, directors, and company of the Paris, Versailles, and Danville railroad, or order, and may pass and be held by delivery from one to another. They shall be signed by the county judge and countersigned by the clerk; a minute shall be made of each bond, and entered on the record book. The president shall deliver to the judge of the court, in his official character, certificates of stock in shares of one hundred dollars each; they may, at any time, be sold with a view to create a fund to pay off the subscription of the county, or kept for county use or for county purposes, according to the terms of subscription: *Provided*, If the sum necessary to the construction of the road can be procured by subscription, the county court subscription shall not be made.

§ 25. That the president and directors may receive subscriptions to the capital stock of said company upon such terms and conditions as to time and manner of payment as they may deem fit; and the president and directors shall have the right to take the obligations of the subscribers of

1868.

stock in said company for such installments upon the stock subscribed, payable at such time, and secured by such direct or collateral securities, as they may agree and determine, and to raise money by the discount and transfer of such notes or papers: *Provided*, That said company shall not issue certificates of stock until the same shall be wholly paid for.

§ 26. That it shall be lawful for the president and directors of said company to contract for the whole or any part of the construction or material toward, and for the construction of, said road, and to secure any and all such debts by the bonds or obligations of said company, either with or without personal or other corporate indorsements; or to execute a mortgage or mortgages upon said road, or any or all the property of the same.

§ 27. That any and all payments made, or to be made, upon the stock of said company, shall bear interest at the rate of six per cent. per annum until a dividend shall be made; and the president and directors are authorized and required to issue to the persons entitled, certificates of stock for all such interest in addition to the shares subscribed or held by them.

§ 28. That the mayor and council of the cities of Lexington, Paris, and Covington, be, and they are hereby, authorized to subscribe to the capital stock of said company any sum not exceeding four hundred thousand dollars; the subscription being first approved by a majority of all the legally qualified voters of said cities, to be ascertained at an election to be called by due notice for that purpose; and pay said subscription in the bonds of said city, having not less than ten nor more than thirty years to run, and bearing interest at a rate not exceeding six per cent. per annum, payable half-yearly; and said company shall have the right to sell said bonds, and guarantee the payment of principal and interest, and shall apply the proceeds to the construction of said road.

§ 29. That the president and directors of said company shall [have] power to receive subscriptions of capital stock in said company payable in real estate, to be valued to said president and directors by disinterested commissioners, upon such uniform plan of valuation as said president and directors may adopt: *Provided*, That such real estate shall, in all cases, lie within a county or counties through which such road may pass; and the aggregate amount of such real estate received shall not exceed one half the whole capital stock of said company; and, for the purpose of converting such real estate subscriptions into available means, the president and directors of said company shall be, and they are hereby, invested with full power and authority, on behalf of said company, to sell and convey

such estate so received, either for cash or on such time as they may agree, and at public vendue or by private contract, or they may rent, mortgage, or otherwise hypothecate such estate to secure the payment of any sum or sums of money they may be able to borrow thereon.

1868.

§ 30. This charter shall be amendable, from time to time, by the Legislature of Kentucky; and when such amendments shall be passed and submitted to the board of directors, and assented to unanimously by the president and directors, they shall form part of this charter, and be obligatory on the stockholders and every member of the corporation.

§ 31. That if any person shall willfully, by any means whatever, injure, impair, obstruct, or destroy any part of said railroad constructed for said company under this act, or any of their works, buildings, carriages, vehicles, or machinery, such person shall, for every such offense, forfeit and pay to the said company a sum not exceeding five hundred dollars, recoverable in the name of said company by action in the circuit court of the county wherein said offenses have been committed; and shall also be subject to indictment by the grand jury of said county in said court; and, upon conviction of said offense, be imprisoned in the jail thereof for not less than six months nor more than five years, in the discretion of the jury.

§ 32. That, as soon as the said company shall have completed twelve miles of their route, they may commence and prosecute their business upon the terms and stipulations herein provided.

§ 33. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1140.

AN ACT to amend an act, entitled "An act to incorporate the Citizens' Passenger Railway Company, of Louisville, Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Citizens' Passenger Railway Company be, and the same is hereby, authorized and empowered to borrow money, not exceeding one hundred thousand dollars, at such times, upon such terms, and at such rates of interest, as it may deem advisable or necessary; and may secure the payment of the money so borrowed in such manner, and upon such property to said company belonging, as may be agreed upon by the parties: *Provided, however,* That a majority of stockholders in interest agree to the same by vote.

1868.

§ 2. The said company, for the purpose of paying its debts, may, and shall have power to, sell any or all of its capital stock not subscribed for, either at public or private sale, and on such terms as may be deemed advisable: *Provided*, That the capital stock so sold shall not, with the capital stock subscribed for, exceed the capital stock now authorized to be issued by said company: *Provided, however*, That a majority of the stockholders in interest, by vote, agree to the same.

§ 3. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1142.

AN ACT to incorporate the Newport and Covington Water-works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. J. King, P. Walsh, John P. Jackson, William H. Lape, George R. Fearons, H. D. Helm, Daniel Wolf, Amos Shinkle, William Ernst, and Jesse Wilcox, and their associates, successors, and assigns, shall be, and they are hereby, created a body politic and corporate, by the name and style of the "Newport and Covington Water-works Company," and by that name and style shall be as capable to contract and be contracted with, sue and be sued, plead, answer, and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules and regulations, for the government of said company, and for the management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the Constitution and laws of this State or of the United States.

§ 2. That the business and operations of said company shall consist in furnishing and selling to the corporate authorities and citizens of either or both of the cities of Newport and Covington, water for municipal and domestic or manufacturing and other purposes, according to such terms as may be agreed upon between said company and the parties furnished with water. The capital stock of said company shall be seven hundred thousand dollars, in shares of fifty dollars each, with liberty to increase the same, from time to time, by a vote of the majority in interest of the stockholders, as the necessities of the company in the extension of its works may require. The said company may purchase and hold as much land as may be required for its offices, residences of officers, agents, and

laborers, and sites for its water-works, engines, reservoirs, and the customary ornamental grounds and gardens attached, and may sell and exchange the same as may be necessary or convenient for the operations and business of said company. 1868.

§ 3. That the city councils of the cities of Newport and Covington are each hereby empowered to grant, within their respective jurisdictions, unto the said Newport and Covington Water-works Company, all the privileges required to enable said company to carry out its business as aforesaid; and to convey and carry to the said company the exclusive or other right to lay pipes for conveyance of water through all the streets, lanes, alleys, squares, and public wharves of said cities, the company to repair any streets, alleys, &c., in which they may lay said pipes, so far as they may have injured the same from time to time.

§ 4. That all the rights of way and other privileges requisite for laying pipes and building water-works are hereby granted and secured unto the said Newport and Covington Water-works Company, in so far as the jurisdiction of the State of Kentucky extends over the beds, margins, and waters of the Ohio river and Licking river, in or bordering upon the counties of Campbell and Kenton.

§ 5. That the incorporators individually before named, or a majority of them, shall have power to solicit and receive subscriptions to the capital stock of said company; and when the same shall have been received to the extent of not less than one hundred thousand dollars, they shall, by advertisement of not less than ten days in at least one of the newspapers published in Newport, Covington, or Cincinnati, call a meeting, and superintend the same, of all persons who shall have become subscribing stockholders in said company, who shall thereupon, by themselves or by their proxies, elect seven directors, all of whom shall be stockholders in said company; and in said election, and at all other elections, each share of stock represented shall be entitled to one vote. The said directors shall thereupon elect, by ballot, one of their own members as president; and the said president and board of directors shall serve for one year or until their successors are elected, and shall have power to fill vacancies in their own board when caused by death, resignation, or otherwise. To the said president and board of directors shall be intrusted the care and management of the property and affairs of the company under the by-laws which may be made from time to time by the stockholders, at their regular meetings, or by said directors.

§ 6. That the incorporators named in the first section of this act, or any two of them, may open books of subscription to the capital stock of the company, at such times and

1868. places as may be convenient. All payments for dues and assessments on the capital stock shall be made only in lawful funds, at such periods and in such sums as the directors may prescribe from time to time.

§ 7. That the directors shall have power, and they are hereby invested with full power and authority, to call on the stockholders, from time to time, to pay up such portions of their capital stock subscribed to by them, or held or owned by them, as said directors may see fit, not exceeding, however, twenty per centum at any such call, provided thirty days' notice be first given to comply with such demands; said notice to be published in one, at least, of the newspapers published in Newport, Covington, or Cincinnati, for ten days. If the owner of any land necessary for the site of the reservoirs, buildings, water-works, gardens, and ornamental grounds, and avenues leading thereto and therefrom, shall refuse to sell said land at such price as the board of directors may think proper and reasonable, it shall be lawful for said board to apply to the mayor of the city of Newport, or the presiding judge of the Campbell county court, for a writ of *ad quod damnum* to issue, and which may be issued, directed to the sheriff of said county, requiring him to summon a jury of freeholders of the county, who shall be disinterested; and the said jurors shall be sworn by the said sheriff well and truly to inquire the value of the land to be condemned, and the damage thereby resulting to the owner thereof, according to the facts and evidence submitted to them by the parties. The verdict of the jury, when rendered, signed and sealed by said jury, shall be forthwith returned to said mayor or said judge; and if no legal and valid exception be taken thereto, the same shall be entered of record by him; and if, [at] any time within one year thereafter, the amount so assessed shall be paid, the title to the land applied for and thus condemned shall vest in said company, and the mayor or judge aforesaid, who has issued said writ, shall make a record of the proceedings had thereon, and shall execute a deed of conveyance thereof, which shall pass the legal title to said company. That said company shall also have power and authority to extend its water-pipes and operations outside of the cities of Newport and Covington, to supply water and to build works and reservoirs to and in other adjacent localities, on such terms as said company and the legal authorities and representatives of such localities, be they corporate or private, may hereafter arrange and agree upon between themselves.

§ 8. The said company shall furnish all water needed for extinguishing fires in the cities aforesaid, free of charge or cost; and for the purpose of receiving the same, the

city councils in the respective cities shall have power to locate fire-plugs in said cities at such points as may be by them deemed necessary, and provide the necessary water-pipes, and lay down the same to said points. The real estate held and owned by said company and used for reservoirs, engine-houses, fuel sheds, stables, offices, and ornamental grounds connected with said water-works and used for that purpose, shall not be liable to any city or State taxes whatever.

1868.

§ 9. That the company may borrow money by their issue of bonds or otherwise, if required at any time to extend the works and grounds; but shall not have the right to exercise any banking privileges.

§ 10. If any person or persons shall willfully, by any means whatever, injure or destroy any portion of the water-pipes, hydrants, or fixtures, or any part of the pumps, engines, buildings, or reservoirs of said company, or shall willfully let on the water, or open any communication to allow the water to flow, after it has been stopped by the said company, or shall throw filth or dirt into, or otherwise injure the water used by said company, such person or persons, upon conviction thereof before the proper authorities, shall be liable to the company for all damages occasioned by such act or acts; and shall furthermore be considered guilty of a misdemeanor, and shall be fined at the discretion of the jury in any sum not exceeding five hundred dollars, or be imprisoned not exceeding one year; but this section shall not be considered as changing the law in regard to arson or house-burning, or willful setting fire to any buildings of the company.

§ 11. The said company shall organize within three years from the passage of this act; and shall, in each year thereafter, lay at least one mile of main water-pipe (if the same shall be required) until the necessary main pipe shall be laid.

§ 12. This act to take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 1143.

AN ACT to incorporate the Covington Hotel Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Kearney, Jas. B. Casey, Vincent Shinkle, Chas. Giesbauer, C. G. Wallace, William Ernst, John L. Scott, John Todd, J. M. Clarkson, and those they associate with them, and their successors and assigns, be, and they are hereby, created a body politic and corporate for ever,

1868.

by the name and style of the "Covington Hotel Company;" and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places whatsoever, as if a natural person. The said company shall have power to acquire and hold, by purchase, gift, devise, or otherwise, in fee, or for a term of years, such real estate and buildings in the city of Covington, Kentucky, as may be deemed necessary or expedient for a large and convenient hotel; and for this purpose may purchase or rent any suitable lot or lots and buildings for such hotel; and may build, erect, equip, and furnish a hotel on any lot or lots purchased or leased by it for the purpose.

§ 2. The said company shall have power to keep, manage, and conduct a hotel in Covington; to purchase, from time to time, all necessary furniture, equipments, and supplies; to employ clerks, servants, and other agents necessary or expedient for the keeping and management of its affairs. The said company may, if it should be deemed expedient, lease the said hotel, with or without furniture, for a term of years. It may erect and build all storehouses and other buildings deemed necessary or expedient for the successful keeping and conduct of said hotel, and lease or rent the same, or any part thereof, as may be deemed advisable.

§ 3. The capital stock of said company shall be two hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be personal estate and transferable in the books of the company, in such manner as may be prescribed by its by-laws. Each share shall entitle the holder to one vote at all elections of directors and at all meetings of stockholders.

§ 4. The business of said company shall be conducted by a board of directors of not less than five nor more than nine, all of whom shall be owners of not less than eight shares of its capital stock, and who shall hold their offices for one year or until their successors are elected and qualified. The said directors shall choose one of their number president of the board; and the president and directors shall make by-laws prescribing the time and manner for holding annual elections of directors, the manner of filling vacancies in the board caused by death, resignation, or otherwise, the number of directors necessary to make a quorum for the transaction of its business; and may also administer oaths and require bonds from the officers, agents, and servants of said company, and prescribe the manner and amount of said oaths and bonds; and may make all other regulations and by-laws not inconsistent with the laws of the United States or of this State necessary for its business.

1868.

§ 5. The persons hereinbefore named, or such of them as a majority may appoint, shall be commissioners to open books of subscription and prescribe the time and manner of subscription for the capital stock of said company; and when not less than thirty thousand dollars of said capital stock of said company shall have been subscribed for, in accordance with the terms and manner prescribed by said commissioners, the said company may organize and proceed to business; and the persons named in the first section of this act shall be the first board of directors of said company, and hold their offices for one year and until their successors are qualified.

§ 6. If any of the persons named shall not subscribe, they shall cease to be directors, and their places shall be filled by a majority of those who do subscribe and are directors.

§ 7. The said company shall have power to borrow money, not exceeding one hundred and seventy thousand dollars, at any rate of interest not exceeding ten per centum per annum, and issue its bonds therefor for sums of one thousand dollars each, payable at any time not exceeding twenty years, with interest, payable semi-annually, and secure the payment of said bonds by a mortgage or mortgages on any part or of the whole of its property, real or personal.

§ 8. The said company may at any time sell and convey, or otherwise dispose of, the whole or any part of its property, real or personal, by the assent of three fifths of its directors.

§ 9. The president and directors are hereby authorized, by order of the board, to fix the name of the hotel hereby incorporated, and also to change the name, whenever it may be deemed advisable.

§ 10. Any county court or corporation in this State may subscribe stock in this corporation, a majority of all the justices of any county court, or a majority of the council or directors of any corporation, agreeing thereto.

§ 11. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1144.

AN ACT to incorporate the Rebekah's Benevolent Society of Covington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Elizabeth J. Bryan, Jane Kace, Jane Reed, Emily Bickerdyke, and Sarah Ruit, their associates and

1868.

successors and assigns, be, and they are hereby, created a body corporate and politic, by the name and style of the "Rebekah's Benevolent Society," with perpetual succession, and full powers to contract and be contracted with, sue and be sued, and to acquire by purchase, deed of conveyance, lease, or other lawful mode, and the same to hold, use, and enjoy, any real or personal property which they may deem necessary for the use of said society, not exceeding, however, the sum of twenty thousand dollars at any one time, which shall be exempt from taxation; and the same or any part thereof to sell, convey, lease, or assign, transfer, or otherwise dispose of, and generally to do and perform for the well-being of said society whatever shall lawfully pertain to such corporate bodies; and may have and use a common seal.

§ 2. The object of this society is to secure to the members thereof a weekly sum of money in case of sickness, and such pecuniary benefits in case of death as may be provided by the by-laws of the society.

§ 3. The members of this society shall have the right to make such by-laws for the government of said society, and to alter or amend the same at pleasure, provided they be not in contravention of the constitution and laws of the United States or of the State of Kentucky.

§ 4. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1145.

AN ACT for the benefit of the Cincinnati Mutual Health Assurance Company, of Cincinnati, Ohio.

WHEREAS, The Cincinnati Mutual Health Assurance Company, a mutual and benevolent association for the assurance of the health of individuals and against personal disablement, on the plan of weekly compensation during disability, having its home office in the city of Cincinnati, Ohio, with a guarantee capital of \$101,500, which is largely owned by citizens of this Commonwealth, who are its beneficial members and interested in its profits, and who are represented in its board of directors by two respected citizens of this Commonwealth, Thomas A. Mathews and William K. Boal; and whereas, the said Cincinnati Mutual Health Assurance Company effects no "insurance against loss or damage of any kind to the life or property, on water or on land, in or out of this Commonwealth, or on agencies to grant annuities," and in no way interferes with or affects any home institution of this Commonwealth, but is an institution profitable and beneficial to its citizens; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1868.

§ 1. That the Cincinnati Mutual Health Assurance Company, of Cincinnati, Ohio, is hereby specially granted the privilege of establishing agencies and transacting business generally in this Commonwealth; and shall be entitled to and receive all the benefits, protection, and advantages of any insurance company incorporated under the laws of this State.

§ 2. Provided always, that members resident of this Commonwealth shall be represented in its board of directors by not less than two of their number, citizens of this Commonwealth.

§ 3. This act to take effect and be in force from its passage; and the Legislature reserves power to alter, amend, or repeal this act.

Approved March 9, 1868.

CHAPTER 1146.

AN ACT to incorporate the Catlettsburg Brass Band.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. C. Wise, Frank R. French, and J. F. Luoman, J. W. Miles and W. F. Eba, and their associates, successors, and assigns, be, and the same are hereby, created a body-corporate and politic, with perpetual succession, by the name and style of "Catlettsburg Brass Band," with all the powers and authority incident to such corporations, or hitherto granted any corporation within this Commonwealth, for the uses and purposes hereinafter mentioned.

§ 2. The corporation is hereby authorized and empowered to form, maintain, and operate a "brass band," composed of such instruments as said incorporators and their successors and associates may choose.

§ 3. The capital stock of the "Catlettsburg Brass Band" shall be eight hundred dollars; it shall be divided into shares of ten dollars each, and be issued and transferred in such manner, and upon such conditions, as the board of said corporation may direct.

§ 4. The affairs of said corporation shall be managed by five directors, one of whom shall be president, all of whom shall be stockholders in this corporation. The first board of directors shall consist of E. C. Wise, J. F. Luoman, and Frank R. French, and J. W. Miles and W. F. Eba, who shall continue in office until their successors shall be elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stock-

1868.

holders shall continue in office for one year, or until their successors are elected and qualified. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointment, or choosing some one else; they may adopt such by-laws, rules and regulations for the government of said corporation and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of this State. The said corporators may open books of subscription and receive subscriptions to the capital stock of the Catlettsburg Brass Band herein incorporated; and such books of subscription may be opened, and subscriptions received at such times and places, and upon such notices thereof, as any three of said corporators may deem right and proper.

§ 5. That at every subscription of the stock to the capital stock of said Catlettsburg Brass Band, there shall be paid at the time of subscribing to said corporation, or such agent as may be duly appointed, ten per cent. of the amount so subscribed. The board of directors of said corporation may fill all vacancies in their body which may happen by death, resignation, or otherwise; and may make such calls for payment of stock as they deem proper.

§ 6. The said corporation may borrow money to any amount not to exceed the capital stock of the company, and may pledge and mortgage the property and appurtenances belonging to said corporation.

§ 7. And the "Catlettsburg Brass Band", with and by that name, are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth.

§ 8. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1147.

AN ACT to incorporate the Paducah Social Club at Paducah, in McCracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. Liebur, Nathan Kahn, and S. Wolff, their associates and successors in office, be, and they are hereby, created a body politic and corporate, by the name and style of "The Paducah Social Club," with perpetual succession, and by that name shall be known and called, and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of purchasing and holding and receiving, by gift or otherwise, all such real and personal estate as may be required

for the use of said club, and to receive all necessary deeds of conveyance to the same, and to sell, convey, and dispose of, all such real and personal estate as they may now hold or may hereafter acquire: *Provided*, The amount invested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

1868.

§ 2. That said club may have and use a common seal, alter and change the same at pleasure; and shall have power and authority to make by-laws, rules and regulations, not inconsistent with the Constitution and laws of this State or of the United States, that may be necessary for the management of its affairs and the good government of the club; and may, from time to time, alter, amend, or repeal the same.

§ 3. That the corporate powers of said association shall be, and the same are hereby, confided to the president, secretary, and treasurer of said club, and their successors in office, as trustees thereof, who shall have power to make all contracts pertaining to the real and personal estate of said club; and service of notice or process on the president of said club shall be sufficient notice to said corporation.

§ 4. That the said M. Liebar, Nathan Kahn, and S. Wolff, shall act as trustees of said club until a president, secretary, and treasurer are duly elected and installed into office. That any real or personal estate now owned by said club shall vest in said trustees and their successors in the same way, and to the like extent, as if acquired after this act takes effect. In conveying real estate belonging to said club, it shall not pass the title unless agreed to by a majority of the members of said club, which shall be entered of record in their record book of proceedings, and when approved and signed by the master, shall be binding upon the club.

§ 5. The General Assembly reserves the right to repeal or amend this charter at pleasure.

§ 6. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1148.

AN ACT supplemental or amendatory to an act, entitled "An act to incorporate the Allensville Milling and Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That immediately after the first clause in section three of an act to incorporate the Allensville Milling and Manufacturing Company, approved March 2d, 1867, the following clause be inserted: "Subscriptions must be

1868.

taken in a book or books headed, in substance, as follows: 'Each of us, whose names are subscribed below and following, agree to take the number of shares of stock of one hundred dollars each set opposite our names; but no part of the same to be paid unless others with us, within two years, take stock which, when added together with ours, will make up two hundred shares; and if others should so do, then we agree to pay to the Allensville Milling and Manufacturing Company, when organized, one hundred dollars for each share of stock set opposite our names, at such time, and in such proportions, as the board of directors to be elected for said company shall, by order on their books, require; said books for subscription of stock shall remain open until two hundred shares are subscribed. Subscriptions of stock may be received at any time and place.'

Approved March 9, 1868.

CHAPTER 1149.

AN ACT for the incorporation of the Boyle County Medical Society.

WHEREAS, Wm. Pawling, Alex. R. McKee, Richd. W. Dunlap, J. M. Major, H. P. Besley, Wm. B. Harlan, Geo. Cowan, John D. Jackson, Stanhope P. Breckinridge, Robt. M. Orear, D. W. C. Tucker, John A. Pawling, and F. L. Rhodes, physicians and resident practitioners of medicine in Boyle county, have associated themselves, under the name and title of "The Boyle County Medical Society, of the State of Kentucky;" and whereas, the objects of said association are for the advancement of the science of medicine, and the cultivation of amity, order, and uniformity in its practice; and whereas, the said Boyle County Medical Society have prayed us, the Legislature of the State of Kentucky, that they may be created a body politic and corporate forever, with such powers, privileges, and immunities, as may best promote the laudable purposes which they, the members, have in view; therefore, for the assistance and encouragement of the same,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the aforesaid members, their associates and successors, are hereby incorporated and constituted a body-politic, with perpetual succession, by the name and style before mentioned; and in that name may acquire, hold, and enjoy any gifts, bequests, or hereditaments, and all such real and personal estate as may be necessary and proper for the use and accommodation of said society, and may sell and convey the same at pleasure: *Provided*, The annual income of such real and personal estate shall not

exceed the sum of one thousand dollars; they may also contract and be contracted with, sue and be sued, plead and be impleaded, within their corporate name; and may have and use a common seal, and alter and renew the same at pleasure. For the well-ordering of said corporation, there shall be the following officers of the same, viz: A president, vice president, corresponding and recording secretary, and treasurer; and said corporation shall have power to create and fill such other offices as may be found convenient and useful to promote its objects; and also to frame a constitution and by-laws, and adopt such rules and regulations, as may be deemed necessary for the good government and conducive to the best interests of the same: *Provided*, That such constitution, by-laws, rules and regulations, shall be in accordance with the Constitution and statutes of this Commonwealth.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1150.

AN ACT to incorporate the Allensville Hotel Company, of Allensville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established in the town of Allensville a company, with a capital stock of twenty thousand dollars, divided into shares of one hundred dollars, to be subscribed and paid by individuals, companies, and corporations, in the manner hereafter specified; which subscribers and stockholders, their successors and assigns, shall be, and hereby are, created a body politic and corporate, by the name and style of the "Allensville Hotel Company;" and as such shall have perpetual succession, and by that name shall be competent to contract and be contracted with; to have, possess, enjoy, and retain such lands, tenements, hereditaments, goods and chattels, as may be convenient and necessary for the erection and furnishing a hotel in the town of Allensville; to rent and demise said hotel, furniture, &c., and all such rooms and store-houses as they may construct in the erection of the said hotel, which may not be needed for the use of said hotel; to sue and be sued, plead and be impleaded, answer and be answered, in all courts, as natural persons; to have and use a common seal, to alter the same at pleasure; to contract and be contracted with; to pass and put in execution any by-laws, rules and regulations, as may be necessary for the government and carrying out the objects of this corporation: *Provided*, They be not contrary to the constitution and laws of this State or the United States.

1868.

1868.

§ 2. That F. A. Anderson, F. M. Wooldridge, T. H. Covington, S. T. Fortune, J. W. L. Kearn, W. B. Langston, and W. M. Thomas, shall be the first directors of said corporation, and shall elect one of their own body president. The president and directors shall appoint one of their own body secretary, and keep a record of their proceedings. They shall also appoint a treasurer and such other officers and agents as they may deem proper, and may take bond with security from all such appointees, and remove them at pleasure. The president and directors shall manage and control the financial and fiscal concerns of the corporation.

§ 3. The president and directors may proceed to procure subscriptions for stock in said corporation, at such times and places, and payable in such sums and at such periods, as they may deem best; the subscriptions of stock shall be taken in a book or books, and shall be signed by every person who shall take stock in said corporation, under or following the following obligation, to-wit: "We, whose names are hereunto subscribed, do severally bind ourselves to pay to the president, directors, and company, of the Allensville Hotel Company, the sum of one hundred dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times as shall be required by the president and directors of said company; and any part thereof, for ten days after notice in writing to pay the same, may be sued and compelled to pay the same, or said president and directors may declare the same forfeited to said corporation: *Provided*, No such forfeiture shall be made by them without the service of notice upon the delinquent, at least ten days before the record of such forfeiture shall be made in the books of the corporation: *Provided further*, That such forfeiture shall not release said stockholders [from any] sum yet remaining due.

§ 4. The stock held in said corporation shall be personal estate, for which the president and directors shall issue certificates to the owner, which shall be transferable in such way as the corporation by its by-laws may prescribe.

§ 5. The corporation shall hold only such real estate as may be necessary to carry into effect the object for which it is created, and such as may have passed to them in payment of, or security for, debts.

§ 6. As soon as the sum of five thousand dollars is subscribed, the president and directors shall give notice to the stockholders, and call a meeting in the town of Allensville, at such time and place as they may deem proper; and at such meetings the stockholders may take such steps as they

may deem proper and necessary to execute the purposes of this charter.

1868.

§ 7. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1151.

AN ACT to incorporate the Pewee Valley Building Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby enacted in the county of Oldham, by the name of the "Pewee Valley Building Association," a body corporate and politic, the members of which, their successors and assigns, shall have perpetual succession; and by that name said corporation may sue and be sued, contract and be contracted with, may purchase, and take by gift, and sell such real and personal property as may be necessary to carry out its legitimate purposes and the object of its creation. The objects of said corporation are, and its general business shall be, to promote the settling up of Pewee Valley, by buying lots and building houses thereon for sale to such persons as may wish to settle in the neighborhood.

§ 2. Every person subscribing and paying into the treasury of the association two hundred dollars shall be a member of the corporation, and shall have a vote on all questions coming up at its meetings.

§ 3. It being the object of the association not to make money, but to build up the neighborhood, so as to strengthen it for the maintenance of schools, churches, &c., the subscribers shall have no right to withdraw their subscriptions nor to receive interest or dividends thereon, but said subscriptions shall be regarded as donations to the object of the association. When the association shall have purchased, improved, and sold all the vacant lots they may deem it desirable so to purchase, improve, and sell, the amount which may remain in the treasury shall be expended in the improvement and embellishment of the roads and avenues of the neighborhood, in the building of a public school-house or school-houses, a public park, the association having the right to decide as to which of these improvements they will carry out, or whether to expend what may be in the treasury in some other matter of public improvement, for the benefit of the residents of the neighborhood. The association may appoint such officers and agents as may be necessary for the conducting of its business; and may pass such by-laws, rules and regulations, as may be deemed necessary for its government, not inconsistent with the constitution of this State or of the United States. J. H.

1868.

Rhorer, Harry Mith, and J. F. Gamble, are hereby appointed commissioners, who shall open books and receive subscriptions of stock to said association; and when so much as two thousand dollars of subscriptions are made, the said association shall be organized and go into operation; and after its organization, said association may receive additional subscriptions, and they may have a capital not exceeding one hundred thousand dollars.

Approved March 9, 1868.

CHAPTER 1152.

AN ACT to incorporate the Philomathean Literary Society of the Western University.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a society shall be formed under the name and style of the Philomathean Literary Society, of the Kentucky Western University.

§ 2. That said society shall organize on Friday, March 6th, 1868, or as soon thereafter as convenient, in the Kentucky Western University, in the town of Millersburg, in Bourbon county, under the direction of J. W. Lewis, E. B. Orr, J. N. Curren, G. Froh, G. N. Buffington, G. C. Overstreet, M. D. Reynolds, G. C. Kelly, A. G. Stitt, T. Beard, E. C. Crabb, B. P. Newton, W. T. Rowland, C. G. Taylor, and others who may associate themselves with said society.

§ 3. That the said members shall, at such time as they may appoint, hold an election for officers, viz: president, vice president, secretary, and treasurer, who shall hold their offices for a single college session, and until their successors shall be elected and duly qualified; and members shall have power to fill any vacancy that may occur in their body by death, resignation, or removal. Two thirds of the members shall constitute a quorum for the transaction of business; death, removal, or expulsion, shall vacate the position of a member. The officers shall be elected by a majority of the members. The treasurer of said society shall, before he enters on the duties of his office, give bond with two or more securities, in such penalty as the president may direct, payable to the president of said society, conditioned that he will faithfully discharge the duties of treasurer, and that he will, when called on, pay the amount of money in his hands to the order of the president, and that he will perform the duties required of him by the laws of said society.

§ 4. That upon the election and qualification of the officers as aforesaid, they shall be a body-politic and corporate, in deed and in law, by the name and style of the

Philomathean Literary Society of the Kentucky Western University; and by the said name shall have perpetual succession, and shall be able and capable in deed and in law to have and use a common seal; to plead and be impleaded, to sue and be sued. The said society may receive and take, by devise or bequest, any legacies that may be devised to them, to be appropriated solely and exclusively to the ornament and improvement of the said society and rooms; and may invest in State stocks, or loan out any spare funds that, from time to time, they may have, and shall appropriate the proceeds arising therefrom to the improvement of said society and rooms.

1868.

§ 5. That as soon as the officers have been qualified, they shall have power to furnish and ornament the same; and from time to time alter, repair, and add such fixtures, as may be necessary for the use or ornament of the society rooms, and for the purpose of defraying the incidental expenses of the society, shall apply the funds belonging to the same.

§ 6. That if any person shall forcibly or without lawful authority, interrupt the proceedings of said society, deface or injure any of the furniture, fixtures, or in any way damage the rooms, such person or persons so offending, besides being liable to an indictment for misdemeanor and punishable according to the discretion of a jury, shall be liable to the society in an action of trespass, and the damages, when recovered, shall be applied by the corporation to restore as far as possible any injury that has been done.

§ 7. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1153.

AN ACT to incorporate the Cloverport Association for the Improvement of the Breeds of Horses.

WHEREAS, It is represented to the General Assembly that an association has been formed for the improvement of the breeds of horses and for other purposes, and have leased a tract of land near Cloverport, Kentucky, and that said association desire to have an act of incorporation,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of said association, to-wit: Richard Bourd, Isaac Miller, James R. Todd, James T. Miller, Barnett Lillard, John Elder, and others, be incorporated, and they are hereby created a body politic and corporate, by the name and style of "The Cloverport Association for

1868.

the Improvement of the Breeds of Horses;" and by that name shall have perpetual succession, with the powers incident to limited corporations not inconsistent with the Constitution and laws of this State and the United States.

§ 2. The property leased by said association as aforesaid, to the extent of the lease, shall be, and the same is hereby, invested in said corporation; and said corporation is authorized to purchase, acquire, and hold real estate, and to receive and hold personal estate; and may sell, alien, and convey said real and personal estate in such manner as they may designate by their by-laws.

§ 3. The members of said association shall have power to elect such officers as to them shall seem necessary for the management of their concerns, and by their rules and by-laws prescribe the duties of said officers and the regulation of their concerns.

§ 4. Shares in said association shall be deemed personal estate, and transferable in such manner as said corporation shall, by its rules and by-laws, prescribe.

§ 5. The officers of said association shall appoint a police, whose duty it shall be to arrest violators and offenders against the laws of this State, and bring them before the magistrates for trial.

Approved March 9, 1868.

CHAPTER 1154.

AN ACT to incorporate the Central Kentucky Gold Mining and Smelting Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. W. Dudley, M. A. Gay, S. F. J. Trabue, G. W. Craddock, M. S. Bond, and J. B. Farlton, be, and they are hereby, constituted a body corporate and politic, by the name and style of "The Central Kentucky Gold Mining and Smelting Company;" and by said name and style shall have perpetual succession, with power to contract and to be contracted with, to sue and to be sued, to plead and to be impleaded, in any of the courts of this Commonwealth; and to do and perform all other acts and things which a natural person may lawfully do, in all matters connected with, or pertaining to, the objects and purposes for which this corporation is created; to have a common seal or not, as the said company may determine; to take and hold leases of any lands, and to purchase any lands, or the minerals therein contained; to engage in developing and mining for gold and silver, or other metals, upon any lands or leases the company now owns or may hereafter acquire, and to sell and convey the same by deed or other-

wise; to erect any machinery for mining, smelting, or other process deemed necessary to separate metals from other substances, and the same to sell and dispose of for the benefit of the company, in any manner the company may deem proper. 1868.

§ 2. That the said corporators may organize said company by the appointment of a president and three directors, and such officers and managers as they may deem necessary, at such time and place as they may designate by notice previously given; and in such organization each person interested in what is termed the bond lease shall have the right to one vote for each share he or they may own, estimating the whole at one hundred shares, for the purpose of said organization; and when thus organized, the said company, in its corporate name aforesaid, are authorized and empowered to do and perform all things, and to enjoy and exercise all the privileges and franchises authorized by this act of incorporation, and to make by-laws and rules from time to time for government, business, and operations of said company, not inconsistent with the Constitution and laws of this State or of the United States.

§ 3: The capital stock of said company shall be five hundred thousand dollars, in shares of one hundred dollars each, for which the company may issue certificates of stock, from time to time, as the company may deem proper. The said certificates of stock shall be assignable; but the said company shall not be affected by any such assignment unless notified thereof, and the same entered upon the records of the company.

§ 4. The stockholders shall have the right to elect a president and three directors, from year to year, on the first Monday in January of each year; but if no election from any cause shall take place, then, those in office shall hold over until an election shall take place. The president and directors, after the organization of the company as herein provided, shall have authority to appoint all other officers and agents for said company, and to fix their salaries or compensation, and the right to remove any such officers and agents at pleasure.

§ 5. It shall be the duty of the president and directors to give at least two weeks' notice to the stockholders, by publication in the Frankfort Yeoman, or some other newspaper published in the city of Frankfort, of the time for the election of a president and directors to serve for the ensuing year. The place of holding said election shall be at the city of Frankfort.

§ 6. The said company shall have the right to construct roads to and from their mines, as they may deem necessary, and to that end may contract for the right of way over the lands of others, or may condemn the same to the

1868.

use of the company by writ of *ad quod damnum*, and proceedings thereunto, according to the general laws in regard to roads and passways.

§ 7. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1155.

AN ACT to incorporate the First Gold Mining and Smelting Company of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. F. Drake, T. M. Cox, R. Cox, M. A. Gay, J. B. Tarlton, Otho Reynolds, John S. Wilson, H. Ridgley, B. J. Thurston, and their associates, successors and assigns, be, and they are hereby, created a body corporate and politic, with succession for thirty years, by the name of "The First Gold Mining and Smelting Company of Kentucky," with all the powers incident to corporations.

§ 2. This corporation is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, for mining and smelting gold, silver, or other minerals, and to refine, manufacture, ship, and vend the same, and to build any and all kinds of mills, furnaces, and other buildings, fixtures, and machinery deemed proper in order to further the operations or interest of said corporation, or dispose of any portion or all of its territory or other property deemed advisable, and convey the same by deed or otherwise.

§ 3. The capital stock of said company shall be five hundred thousand dollars, divided into shares of not less than ten nor more than five hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct; and the shares of stock therein shall be deemed personal estate, and transferable on the books of the company, as prescribed by the by-laws of the corporation; which by-laws said company have the right to form and create, and the same to alter, amend, or repeal at pleasure, not inconsistent with the constitution and laws of the State of Kentucky.

§ 4. The affairs of the company shall be managed by five directors, one of whom shall be president, and all of whom shall be stockholders in said corporation; and the first board of directors shall consist of such men as the incorporators named in the first section shall designate, who shall continue in office until their successors are elected by a majority in interest of the stockholders of said corporation. If any of the directors shall die, or decline, or refuse

to act, a majority of the others shall fill the vacancy by appointing some one else. They may keep their office or offices within or without the State, or both: *Provided*, That they keep their principal office within the State, at such place or places as they may deem to be in the interests of the company, and carry on their business anywhere within this county, not to conflict with the laws of this or any other State in which they operate.

1868.

§ 5. They may appoint a secretary, treasurer, superintendent, and such other officers and agents as they may deem proper; and use a common seal, and the same to alter at pleasure.

§ 6. No banking privileges shall be granted by this act, which shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1156.

AN ACT to amend the Charter of the Kentucky Industrial and Emigration Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of the charter of the Kentucky Industrial and Emigration Association shall be, and is hereby, amended to read: "That so soon as ten thousand dollars shall be paid in," etc., instead of "That so soon as twenty-five thousand dollars shall be paid in," as it now stands.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1159.

AN ACT to incorporate the Lexington Lyceum Society.

WHEREAS, A number of citizens in and about the city of Lexington, Kentucky, have formed themselves into an association, under the name and style of the "Lexington Lyceum," for the purpose of promoting the improvement of oratory, declamation, debate, and all the exercises common to debating and literary associations.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. R. Morton, G. W. Darnall, G. W. Ranck, H. Marshall Buford, Frank W. Woolley, J. S. Phelps, J. Hamilton Webster, and all and every person or persons now or hereafter becoming members of the "Lexington Lyceum," of Lexington, Kentucky, be, and are hereby,

1868.

created and made a body politic and corporate, by the name of the "Lexington Lyceum;" and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded, in all courts of the Commonwealth; may make and use a common seal, but may use the sign manual of the president for the time being; contract and be contracted with; acquire and hold any real and personal estate, not exceeding the sum of ten thousand dollars; and do every act and thing necessary and proper to carry into effect the designs and ends of said debating and literary incorporation.

§ 2. That the members of said lyceum shall have power to ordain and establish such constitution, by-laws, rules and regulations, not contrary to the laws of this State, as they may consider proper for the government of said lyceum; to appoint such officers as they may deem necessary, and remove the same at pleasure; to provide for the admission and expulsion of members, and such admission fees as they may deem fit for the purposes of the lyceum.

§ 3. This act shall at all times be liable to be altered or repealed as the General Assembly may think proper.

§ 4. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1160.

AN ACT to incorporate the Kentucky Cotton Growing and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall, and hereby is, established in the county of Kenton, a corporation by the name of the Kentucky Cotton Growing and Manufacturing Company, with a capital stock of two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which may be subscribed for and paid as herein provided for by individuals, companies, corporations, or guardians; said corporation, by the name aforesaid, may contract and be contracted with, sue and be sued, answer and defend, in all courts, and as to all things involving its rights, as natural persons may; with full power to acquire, hold, use, to purchase and sell and convey all such real estate, machinery, goods, chattels, and effects, as may be deemed necessary and convenient for the transaction of its business, or which may be acquired as security, or in payment of debts or demands; it may have and use a common seal, change or alter it at pleasure. The president and directors, or a majority of them, may make and establish by-laws for the

efficient management of its affairs, and fix the salary of its officers, not inconsistent with this charter.

1868.

§ 2. The business of said corporation shall be to grow cotton, and manufacture cotton and woolen, or other threads or yarns, and to manufacture cotton or woolen, or other goods, in which it may choose to embark; and to purchase or sell, in or out of the State, real estate, stock, materials, and manufactured articles; and may, for this purpose, appoint agents.

§ 3. That Jno. W. Finnell, C. G. Wallace, and Jno. E. Hamilton, be appointed commissioners, a majority of whom may act, to open books, at such time and place, in Covington, as they may appoint, having first given at least one week's notice in some newspaper published at Covington, or, if there be no newspaper published at Covington, in some newspaper published nearest to said city; and when not less than one hundred shares shall have been subscribed for, said commissioners, by publication for five days in some newspaper of Covington, or otherwise notifying the stockholders of their first meeting, at which not less than three nor more than five directors shall be elected by a majority of the stock represented at said meeting; the commissioners shall designate the number of directors to be elected; said directors, when elected, shall complete the organization of the corporation by electing one of their number president, and such other officers as may be necessary for the efficient management of its business; no one shall be eligible as a director unless he be a stockholder; but the qualification of the other officers may be provided by the laws. After the organization, the board of directors shall have control of the business of the corporation, and may keep the books open for further subscription until all the stock is taken; after which, the holders of a majority of the stock shall have the right to order the books open for subscription of two hundred thousand dollars of additional stock; and said board of directors shall keep full, fair, and complete books of accounts, showing the assets and liabilities of said corporation at all times, and which shall be open constantly to the inspection of any stockholders.

§ 4. That, after the first election of directors, there shall be an annual election, at such time as may be provided in the by-laws, which it shall be the duty of the board of directors to enact; but each board, and its president and other officers, shall hold until the election and qualification of their successors, and each successive board shall appoint one of their number president, and appoint such other officers as may be provided for by resolution or by-laws; and all officers shall take an oath faithfully and honestly to

1868.

discharge their duties; and the board shall have power to require such bond and security as they may prescribe by by-laws, from their officers, or either of them.

§ 5. At all stockholders' meetings for the election of officers, or other purposes, each stockholder shall be allowed one vote for each share he may own, which vote may be given by proxy upon written authority.

§ 6. The transfer of stock may be provided for, and its manner of transfer also, by the by-laws.

§ 7. The board of directors may, by resolution, direct that the funds of said corporation be deposited in some incorporated bank.

§ 8. The corporation shall have the right to borrow on its credit an amount not exceeding one hundred and fifty thousand dollars, and secure the same by mortgage on any real or personal property it may own, at such rate of interest, and at such time, as the president and directors think proper, payable yearly or half-yearly.

§ 9. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1161.

AN ACT concerning an act, entitled "An act to suppress Public Drinking-houses in Hart County," allowing the people of said county to vote on the repeal of said act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, at the August election, eighteen hundred and sixty-eight, there shall be, in the county of Hart, a poll opened by the various officers of the election in said county, in order to take the sense of the people of said county as to whether or not they are in favor of the repeal of an act, entitled "An act to suppress public drinking-houses in Hart county," passed at the sessions eighteen hundred and sixty-six and eighteen hundred and sixty-seven of the General Assembly, approved February first, eighteen hundred and sixty-seven.

§ 2. That if a majority of the votes cast upon said question be in favor of the repeal of said act for the suppression of public drinking-houses in said county, then, and in that case, said act shall stand repealed.

§ 3. That when the polls are compared and the number of votes cast for and against the repeal of said bill is ascertained, if there is a majority of said votes in favor of the repeal of said act, the officers who compare the vote shall certify the fact to the judge of the county court and to the various town authorities in said county; and, on and after the date of such notice of the fact that a majority of the

votes cast on said question are in favor of the repeal of said act, said county judge and town authorities shall issue license, as heretofore, under the general and special laws, in relation to the sale of spirituous liquors. 1868.

§ 4. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1163.

AN ACT to incorporate the "Ashland Library Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of "The Ashland Library Company;" and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to establish, keep up, and maintain a library in the town of Ashland, Boyd county, Kentucky.

§ 3. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of fifty dollars each.

§ 4. Books may be opened at any time within one year after the passage of this act for the subscription of stock in said company, under the supervision of Hugh Means, John Means, D. D. Geiger, C. L. Raisin, W. L. Geiger, Robert Peebles, and A. C. Campbell, or any three of them, who shall be commissioners for that purpose. All subscriptions of stock shall be made in said books, and shall specify the number of shares which the subscribers respectively take in the capital stock of said company, and shall be headed with a formula, showing that it is a book for subscription to the capital stock of said company, and containing an obligation that the subscribers will pay the amount of stock set opposite their names respectively.

§ 5. When as much as five hundred dollars is subscribed to the capital stock of said company, it may be organized; and to this end the said commissioners, or those acting, shall, by written notices posted up at three or more public places in Ashland for ten days, advertise that there will be an election of officers for said company, and specify in said notice the time and place of such election. The officers of said corporation to be thus elected shall be five directors, one of whom shall be chosen president by said directors. Said election first held shall be under the supervision of said commissioners, or those acting. Each

1868.

stockholder shall be entitled to one vote for each share of stock owned by him, which may be cast in person or by proxy. No one but a stockholder shall be a director. After the first election of said officers, they shall thereafter be elected on the first Saturday in April of each year, and they shall serve until their successors are elected and qualified. The president and directors shall, before entering on their duties, take an oath faithfully to perform the same; which shall be certified by the officer administering it, and filed and kept with the papers of said company.

§ 6. The fiscal and prudential affairs of said company shall be under the control and management of said president and directors, who shall be authorized to establish such by laws, rules and regulations, for the government of said company, its affairs and officers, as they may deem proper, not inconsistent with this act or with the Constitution of this State or of the United States. They may establish such subordinate offices as they may deem necessary, and appoint the officers, prescribe their duties, and remove them at pleasure. They may require bond and good security of any or all of the subordinate officers for the faithful performance of their duties. Said president and directors, after the organization of said company, shall keep open books for the subscription of stock to said company until the whole of its capital stock herein authorized is subscribed.

§ 7. Said company may have a library, reading-room, lecture-room, in Ashland; and may establish a lyceum for literary and intellectual improvement, to be composed of such members of said association as may choose to belong to said lyceum. Said company shall have power to purchase, acquire, and hold a library, which it may increase from time to time by acquisition of such books as it may select; and it shall have full power to receive, purchase, and hold such manuscripts, pamphlets, papers, philosophical apparatus, engravings, maps, charts, and specimens of nature and the fine arts, as may to it be deemed best. It may establish an office in which said library shall be kept, and may acquire and hold real and personal estate to the amount of its capital stock aforesaid, which stock may be increased, from time to time, as the board of directors may deem proper, not exceeding twenty-five thousand dollars. Said company may receive donations, and shall keep an account of them. The president and directors shall have kept an account of their proceedings. The library and reading-room shall be open to all the members of the association; and lectures may be had and given on such terms as the president and directors may prescribe.

§ 8. This act shall take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 1164.

1868.

AN ACT to amend an act, entitled "An act to incorporate the Jefferson Southern Pond-Draining Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the Jefferson Southern Pond-Draining Company shall be as follows, to-wit: Beginning at the bridge across Pond creek, where the bridge on the county road from Arnoldtown to the Manslick road crosses the said creek, on the land of Adam Hubbard, and running from thence up said creek with the meanders thereof, to where the line between the land of Zenor's heirs and the heirs of Margaret Wells crosses the same; thence with the said line of Zenor and Wells to the corner between said Wells and David Standiford; thence on said line northeast, and to continue the same course to the line between the land of Michael Beck and Mrs. Conner; thence on said line to their corner on Bee Lick creek; thence through the land of said Beck to the corner of said Beck and Wm. Woods, known as the original corner of George, James, and Daniel Sullivan; thence through said Woods' land to the corner between said Woods and Stephens; thence on the line between said Woods and Stephens to their corner in Smoot's line; thence on the line between said Woods and Smoot and the land formerly owned by Joseph Combs, to the county road, to a stone in said road, corner to said Woods; thence with said county road to the Deposit Station on the Louisville and Nashville railroad; thence along said railroad to the corner of J. M. Delph and Preston, known as the corner of Speed's 600 acres; thence through the land of O'Donnell and Squire Lochery, northeastwardly in a straight line, to the corner of 100-acre tract belonging to Lochery's heirs, known as the Sprigg corner, in Levin Powell's line; thence with said Sprigg's line east to the corner thereof, and to continue the same course through McCauley's land to the Shepherdsville county road, near to and opposite Dr. R. F. McCauley's brick house; thence with said county road to the intersection thereof with the Louisville and Shepherdsville turnpike road; thence with the said turnpike road to the intersection of the grade road opposite Minor's old mill; thence with said grade road to the corner of George Slaughter's 325 acres; thence in a straight line to the Louisville and Nashville railroad, where the same crosses the line of Allen Davis' survey of 500 acres (on the land now owned by W. L. Vance); thence on said Allen Davis' line to the corner between said Vance and Robert Ernest; thence about south twenty-six degrees, west in a straight line to a corner to the land of J. H. Finley; thence with his line south to a stone marked A, corner to said Fin-

1868.

ley; thence with another of his lines south seventy-seven degrees, east to M. S. Gore's line; thence with the same southwest to the said Gore's corner in the division line between Jo. Brooks and John Speed; thence with said line, it being J. H. Finley's line, to the corner of the land formerly owned by Ben. Williams, since owned by Barmann, and now owned by ———; thence northwardly; thence westwardly, so as to include fifty acres of the land of J. H. Finley, to a stone in said Finley and Williams' line—that is, the division line of Speed and Brooks—said stone marked J. S., J. B.; thence from said stone marked as aforesaid, in a straight line, running through the said Williams and Barmann's house, to the corner of Len. Smith's and Heartledge's heirs; thence with said Smith and Heartledge to their corner at Bulger's Lick, and thence to the beginning

§ 2. That the board of directors shall consist of seven members, who shall hold their offices for four years, with power to fill all vacancies that may occur in their body during their term of office; and said board shall have the power, and are hereby vested with the right, to assess and collect an annual tax per year, of not more than two dollars nor less than twenty cents per acre, to be rated and charged upon said lands, included in the boundary of said corporation, in proportion to the benefits conferred; said tax to be used to effect the draining of the ponds and lands within the boundary of said corporation; but said tax shall be assessed and collected for only four years; and the corporation shall have a lien on the land assessed for the payment of the tax; and the board of directors shall have the right and power to borrow not exceeding fifteen thousand dollars, at a rate of interest not exceeding eight per cent. per annum, and shall have the right to give a lien upon the taxes assessed on said lands for the payment of the same.

§ 3. That if any person or persons shall stop up or in any way obstruct any canal, ditch, or drain, made or used by said corporation for the purposes of draining the lands included within their boundary, said corporation may sue such person or persons and recover against them a sum of money equal to double the actual damage caused by said obstruction; the money so recovered to be expended by the said corporation in removing obstructions and keeping in good order and repair their canals, ditches, and drains.

§ 4. It shall be the duty of the president and board of directors to call a meeting of all the land-owners and proprietors of lands within the boundary of said corporation, and submit this act for their approval and adoption; and if a majority of the votes are cast in favor of it, it shall take

effect and become a law. Each land-holder shall be entitled to one vote for each acre of land owned by him. 1868.

Approved March 9, 1868.

CHAPTER 1165.

AN ACT to incorporate the Green and Barren River Navigation Company.

WHEREAS, The Green and Barren river line of navigation has always been a charge upon the State, and is now largely in debt and without prospect of any better condition; and whereas, it is of great importance to the country to keep said line in working order, and, at the same time, to avoid any public expense, if possible; and believing that object can be accomplished by letting it to an incorporated company, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. A. Robinson, J. V. Sprowle, W. S. Vanmeter, C. J. Vanmeter, E. B. Seeley, H. C. Murrell, Wm. Brown, D. C. Turner, C. G. Smallhouse, and their associates and successors, be, and they are hereby, created a body corporate, with the name and style of the Green and Barren River Navigation Company, and shall have perpetual succession during the term of thirty years, and in that name may sue and be sued, make contracts, and transact all their legitimate business as a corporation; may use and change their common seal; may make suitable by-laws for the regulation of the affairs of the company and to regulate their elections to fill offices, vacancies, and in all things not inconsistent with the laws of the land.

§ 2. That the said Green and Barren river line of navigation and their tributaries, together with the grounds, houses, water works, rents, profits, tools, machinery, implements, and appurtenances, and all the franchises thereunto belonging or appertaining, be, and the same are hereby, loaned and conveyed unto the corporators named in the first section of this act, and to their associates, successors, executors, heirs, and assigns, for and during the term of thirty years from and after the time they get possession thereof; and it shall be the duty of the Governor of this Commonwealth to cause possession thereof to be delivered unto them as soon after the passage of this act as they, or any of them who may choose to accept, may give notice of readiness to receive it, upon their complying with all the conditions precedent herein provided.

§ 3. The business of the company may be to use and suffer to be used said line of navigation for all the purposes of navigation, and also the water-power, property, rights, appurtenances, and all the franchises thereunto belonging,

1868.

as they may direct, not inconsistent with the purposes of said line, as expressed by law; and, as an auxiliary to said business, and to facilitate commerce and trade, and to develop the resources of wealth along said line, it may also be their business to open and work coal mines and other mines, and to deal in the products thereof, as also in the products of the country and other things, as well as in the work of machinery and navigation on said line. They may also lease, buy, sell, hold, and otherwise acquire and dispose of, any real and personal estate, by any manner not prohibited by law, the same as a natural person; and may do all necessary or advantageous acts in the same way, in the transaction of their business, not inconsistent with the constitution of this State or of the United States.

§ 4. It shall be the business and duty of said company to use due diligence in keeping up said line of navigation in good repair, and to return it and all its appurtenances, at the expiration of the lease, in good condition, as at present, or unless prevented from so doing by unavoidable causes, and to hold the State harmless in the premises; and to pass and permit all boats, crafts, and other things to navigate said rivers, according to certain specified rates herein prescribed as tolls, which shall inure to said company.

§ 5. The incorporators herein named, and their associates, successors, executors, administrators, and assigns, may provide in their by-laws for the election of such of their number as they may choose as a board of directors, one of whom shall be president of the board; and said board shall be the agents to direct and manage the business of the company, in which a majority shall rule; and shall serve for such term as may be fixed by the by-laws; and any member of the board may be removed at any time by majority vote of the members of the company, and another elected in his place, upon due notice given; but a majority in interest of all the members of the company shall be necessary in all elections by the company, each member having a right to vote by proxy or in his proper person; and it shall be counted as one vote, or more or less, in proportion to the amount of interest he may then have in said company; and the interest of each member shall be subject to be represented by himself, or by his agent, attorney, assignee, or legal representative; and a prior lien is hereby retained by the Commonwealth against all the property, rights, and franchises of said company, as security to said Commonwealth for the faithful performance of all the duties herein imposed upon said company; and no individual of said company shall be bound for said company beyond the interest he may have therein.

1868.

§ 6. All tolls shall inure to the company, and the rate of tolls on passenger and freight steamboats, and other boats carrying freight, other than coal or stone, shall be regulated by their full hull and deck tonnage, according to custom-house rules as to the management of tonnage: *Provided*, That the rate of toll for such boats passing such locks shall not exceed, per ton measured as aforesaid, fifty cents at the first lower lock, and thirty cents at the second, and twenty cents at the third, and ten cents each at the two other upper locks, and same for returning; and for each passenger, and for all other boats, barges, skiffs, and other water-crafts, loaded and empty, including rafts and other things, passing said rivers, they may establish tolls from time to time, not exceeding the present rates established by the board of internal improvement, as applicable to the Kentucky, Green, and Barren river lines of navigation at this time.

§ 7. The directors may regulate the mode by which any member may transfer or assign his interest in said company; and the concurrence of a majority of the board shall, in all cases, be necessary in conducting the business of the company.

§ 8. The company shall, in no event, be liable for damages done to any person or thing by accident upon said line of navigation, unless the person or thing be exclusively under the control and management of some authorized agent of the line at the time of such accident, and not then if such person or thing is or was received with protest or warning of such danger, or if due and timely notice of danger be given or had by which the accident might be avoided: *And provided further*, That no case for damage shall be sustained against said company, except for gross negligence of the duties imposed by this charter.

§ 9. The obligations to this company of steamboats, rafts, and other crafts and things navigating said line, shall be the same as now fixed by the board of internal improvement, regulating their obligations and duties in navigating said line, and for the violation of said rules by any person, boat, or thing navigating said river; or if any person, boat, or thing navigating the same shall fail or refuse to pay tolls as fixed by this charter, or under its provisions, or refuse to pay for, or repair damages committed to the detriment of said line or company, the person, boat, or thing guilty of such violation shall be subject to the same penalties as are now fixed by law, or by said rules, and shall be liable to said company for all such damages; and penalties and damages and tolls shall inure to said company, and may be recovered by action brought in the name of said company in any circuit court or court

1868.

of similar jurisdiction, in any county on the line of said Green or Barren river navigation.

§ 10. If any person shall willfully injure any of the works on said line of navigation, he shall, on conviction thereof, be fined not less than fifty dollars nor more than five hundred dollars, in addition to his liability in an action for damages, as herein provided; and said fine shall inure to said company instead of the Commonwealth.

§ 11. It shall be the duty of the company, or such of them as may choose to accept the provisions of this charter, together with their associates whom they may choose to associate with them, to execute their bond to the Commonwealth of Kentucky, with security, the solvency of which to be approved by the Governor of said Commonwealth, and be attested by him under the seal of his office, which bond shall be in duplicate, one copy to be retained by the State, and the other by the company. The conditions of the bond shall be as follows: "In consideration of the undisturbed possession of the Green and Barren river line of navigation and its tributaries, together with its grounds, houses, water-powers, rents, profits, tools, machinery, implements, appurtenances, and all its franchises thereunto belonging or appertaining, now to be delivered to us, the undersigned, to hold for thirty years, under an act of the Legislature incorporating the Green and Barren River Navigation Company, we accept the same; and, as a company aforesaid, are bound hereby in the penal sum of five hundred thousand dollars, to perform the duties and obligations imposed by said act of the Legislature; and to return the same in good order as set out in said act, subject to the conditions therein expressed. Given under our hands and corporate seal of said company, this — day of —, 18—." Which bond being executed by the parties aforesaid, and approved as aforesaid, and attested by the Governor, shall entitle the company and their associates to all the rights conferred by this act: *Provided, however,* That said company may associate others with them before or after the execution of said bond: *And provided further,* That the Commonwealth shall have a lien upon all the property of said company to secure a compliance with the stipulations of said bond.

§ 12. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1166.

1868.

AN ACT to incorporate the Henderson Running Park Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body politic and corporate be, and hereby is, created, under the name and style of the "Henderson Running Park Association," with a capital of not exceeding seventy-five thousand dollars, to be divided into shares of fifty dollars each; and by that name said corporation shall have perpetual succession, and may have a common seal, and may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to establish, and keep and maintain, a running park in or near the city of Henderson, in Henderson county, Kentucky, for the training, trotting, and running of horses, and for the improvement of the breed and quality of such animals; and for these purposes said corporation shall be authorized to lease or purchase, own and hold, in or near said city of Henderson, not exceeding seventy-five acres of land, and inclose the same with a sufficient fence, and have a suitable track on the said premises for the purposes of said association, as herein declared, and erect or cause or permit to be erected, an amphitheater, and other buildings, booths, and structures therein; and also to acquire, own, and hold, such personal property as may be deemed necessary to enable said corporation to carry out the object of this act. Said corporation may exchange or sell any land or personal property acquired under this act, and obtain, hold, and own, other real and personal property for the uses and purposes herein provided for.

§ 3. Said company may have trotting and running matches and races on said ground, and charge for admission to same; may sell pools and do any and all other acts within the purview of this charter.

§ 4. Said corporation and its fiscal and prudential affairs shall be under the management and control of a board of seven directors, one of whom shall be president of said board, and chosen by said directors. The said directors shall be elected by the stockholders on the first Saturday in April of each year after the organization of the association shall have been completed; and in electing them each share of stock shall entitle the holder to one vote, which may be cast in person or by proxy. They shall, before entering on the performance of their duties, be sworn faithfully to perform them, and serve until their successors are duly elected and qualified. No one but a stockholder shall be a director, and any vacancy during the year may be filled by the board of directors.

1868.

§ 5. Said president and directors may have and elect a treasurer and secretary, and such other subordinate officers of said corporation as they may deem necessary, prescribe their duties, fix their compensation, and require bond and good security for the faithful performance of their duties; and said officers may be removed at the pleasure of the board of directors.

§ 6. Said president and directors may offer premiums and purses in running and trotting contests over the ground of the association; and shall have power, and they are hereby authorized, to make and establish such by-laws, rules and regulations, for the government of said running park and the concerns of said corporation, as they may deem proper, not inconsistent with the constitution of the United States or of this State.

§ 7. Said board of directors shall be authorized to call on the Henderson county court judge, and it shall be the duty of said county judge when so called on, to appoint special police officers to attend on and near said running park, when being used for the purpose contemplated by this act, who shall assist in the preservation of order and maintain the public peace; and may arrest all criminals or riotous or disorderly persons on said grounds, and take them before the nearest justice of the peace or police judge for trial. Said police officers shall be paid by said corporation a reasonable compensation, or what may be agreed on, for their services. And said board of directors may employ persons to act under their supervision and control, and to assist in maintaining order and the public peace on said premises, who may remove any riotous or disorderly persons from the same.

§ 8. Jackson McClain, Wm. M. Lockett, James Alvis, G. L. Compton, S. K. Sneed, U. C. Howard, Samuel W. Rankin, or any three of them, may, at any time within two years, open books for the subscription of stock in said company, and keep the same open and receive subscriptions of stock until the entire capital stock, or so much as they may deem necessary for the purposes of said company, shall have been taken. And when as much as two thousand dollars of stock shall have been subscribed, said commissioners, or those acting, may, by notice in a newspaper in Henderson, call a meeting of the stockholders in two weeks, to elect a board of directors as hereinbefore provided for; and upon such election being made, the said company shall be organized, and have the rights and powers herein conferred. Said president and directors shall have power to receive additional subscriptions of stock, and shall determine the time and manner of paying in the stock subscribed.

§ 9. Said corporation shall have power, and be authorized by order of its board of directors, to borrow money not exceeding five thousand dollars, to carry out the purposes of this act, and give bond for the same, with personal security, or secure said bond by a mortgage on the real and personal property of said corporation; said bond shall be signed by the president and countersigned by the secretary.

1868.

§ 10. This act shall take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 1167.

AN ACT to incorporate the Paducah and Cairo Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby, created a corporation, by the name of the "Paducah and Cairo Packet Company;" with a capital stock of one hundred thousand dollars, to be divided into shares of one hundred dollars each; which corporation shall have perpetual succession; and by its corporate name may sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; may have and use a common seal, and alter and renew the same at pleasure; and may make and establish by-laws, rules and regulations, for the efficient conduct of its business; and exercise all and any of the powers of a corporation necessary or proper to carry out the true intent and purpose of its creation.

§ 2. The said corporation shall have power and right to transport persons and property to and from the city of Paducah, along the Ohio and Mississippi rivers, to the city of Cairo, or other point on said rivers, and along such other rivers as may be necessary in the efficient and successful carrying on of commerce and navigation on said rivers; and may own, buy, construct, repair, charter, hire, sell and convey, steamboats, flats, keels, and other water craft, with all equipments, appendages, and other personal property; and may also acquire, by lease or in fee, any necessary landings, wharves, or other real estate, for the purposes of the corporation, and sell and convey the same at pleasure; and do generally whatever is necessary to make efficient the said business of commerce and navigation on said rivers; and may make contracts with shippers to limit or fix its liability as common carrier.

§ 3. The property of said corporation, and the power to manage and control its business, shall be vested in a board of seven directors, to be elected by the stockholders on the

1868.

first Monday in June of each year, after the present year, 1868—each share entitling the holder to one vote, and the votes of stockholders may be cast by themselves in person or by proxy, under such regulations, after the first election, as may be prescribed by the by-laws.

§ 4. That George Meyers, T. J. Atkins, S. B. Hughes, J. C. Willis, G. D. Williamson, John Farrar, B. B. Settle, T. M. Hale, L. A. Fowler, and R. M. Haydock, are hereby appointed commissioners, who, or a majority of whom, to open books and receive subscriptions of stock in said corporation. And when not less than one hundred and fifty shares have been subscribed, and twenty-five dollars on each share so subscribed for paid in cash to said commissioners, they shall, by advertisement for at least ten days in one of the daily papers published in Paducah and one in Cairo, call a meeting of the stockholders in Paducah to elect a board of directors; and the votes of stockholders may be given in person or by written proxy; and the seven persons receiving the largest number of votes shall be declared directors, and hold their offices until their successors are duly elected.

§ 5. After each election of directors, those elected shall choose one of their own number as president of the board, who shall preside at directors' meetings, and be the chief officer of the corporation. They shall also appoint all other necessary officers, and provide for their compensation; and take all necessary bonds from officers of trust to insure a faithful discharge of their duties.

§ 6. No person shall at any time be voted for or appointed a director who is not at the time a stockholder in said corporation; and vacancies, by death or resignation, in the board, between the annual elections, shall be filled by the board, or a quorum thereof; and a majority of the board in office shall, at all times, be a quorum for business.

§ 7. The said board shall demand payment of stock subscribed for, in such installments and at such times as they may deem expedient; and if all the stock is not subscribed for before their election, they and their successors may open and keep open the books for subscription of stock, or may sell that not subscribed for, for the benefit of the corporation, at not less than par; and may, by rules and by-laws, provide for the forfeiture to the company of any share or shares of stock subscribed for and not fully paid for when required; and may provide for the mode of transferring certificates of stock, which shall be deemed as personal estate and pass as such.

§ 8. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1108.

1868.

AN ACT to incorporate the Protective Brick-layers' Union, No. 1, City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Josiah Bradley, John T. Lloyd, Lewis Carpenter (president), John Hener, Peter Haupt (vice), James Stinson, A. Helner (secretary), James Shirmen, W. M. Edwards (finance), Lawrence Gutermuth, Robert L. Milton, Charles Gorman, and their associates and successors, be, and are hereby, constituted a body-corporate, under the name and style of the Protective Brick-layers' Union, No. 1, City of Louisville, State of Kentucky.

§ 2. That said union shall afford relief and assistance to its members in case of sickness, death, or disability, preventing them from work; and also, in case of the death of any of its members in good standing, shall assist in providing for the support of the widows and orphans of such members who have not left sufficient estate for that purpose.

§ 3. That said union shall, by the name and style set forth above, have perpetual succession; and be capable of suing and being sued, of defending and being defended, of pleading and being impleaded; of having a common seal, and the same to make, break, or alter at pleasure; to acquire and hold estate, real and personal, or mixed, and the same to buy, sell, exchange, mortgage, transfer, pledge, or otherwise encumber or alienate, as the union may deem expedient; and the said union shall be capable in law of receiving, holding, selling, and transferring all manner of property, whether by donation, bequest, conveyance, or devise: *Provided, however,* The same does not exceed twenty-five thousand dollars in value; and can be used and enjoyed for the purpose mentioned in the second section of this act.

§ 4. That the officers of this union shall be a president, vice president, recording secretary, financial secretary, corresponding secretary, treasurer, three trustees, conductor, and sergeant-at-arms, to be elected semi-annually, on the last meeting night of June and December of each year; and the said officers to continue in office until their successors are elected and installed.

§ 5. That the said union shall conduct and regulate its affairs by its members, when in session at their regular meetings—seven of which members shall constitute a quorum for the transaction of business, and the discharge of all obligations of the union.

§ 6. That the said union, by its members, shall have power to make such laws for the government of said union as shall seem best calculated to promote the ends

1868. and objects of the union. They shall have power to make such laws, from time to time, for the admission of members, for the imposing of fines and otherwise, or for any other purpose connected with the government of the association with reference to the members thereof, or the duties of said union: *Provided, however,* That such laws shall not be repugnant to the Constitution and laws of the State of Kentucky or of the United States.

§ 7. That this charter shall expire at the end of ninety-nine years from the passage of this act; and at the expiration of the said time, all property and funds in possession of the said Union shall revert and belong to the State of Kentucky, unless this act of corporation shall have been renewed.

§ 8. That this act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1169.

AN ACT to incorporate the Louisville Club of the City of Louisville.

WHEREAS, A. D. Hunt, T. J. Martin, I. Churchill, G. Spratt, and their associates, have formed an association in the city of Louisville, for the purpose of refined social enjoyment and a generous hospitality to strangers visiting the city, under the name of the Louisville Club, and said association desires corporate powers, that it may carry on its business as a body and own and hold property for its uses as a club, and for no other purposes; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the above named parties and their associates be, and are hereby, created and made a body politic and corporate, under and by the name of the Louisville Club.

§ 2. That the said corporation by said name may sue and be sued in any of the courts of the Commonwealth. It may contract and be contracted with in all matters concerning its business as a club; it may have and use a private seal, and break or alter the same at will; it may adopt such constitution and by-laws as may be necessary for its organization under this charter and for its government, not inconsistent with the constitution and laws of this State; and it shall have all the general rights, privileges, and liabilities of incorporated bodies.

§ 3. The said corporation may take and hold by purchase, gift, grant, devise or bequest, personal and real property to the value of seventy-five thousand dollars; but the said property shall be used as a club-house and its appendages and appurtenances, and for the purpose of supporting and

carrying on the said corporation alone; and the said corporation shall not engage in any other business save that of conducting and controlling its club and club-house. This clause, however, shall not be construed into a prohibition of said corporation connecting with and having in its club-house a library, reading rooms, and billiard tables, for the use and amusements of its members and guests: *Provided*, The said library, reading-rooms, and tables shall not be thrown open to the public for gain or profit: *And provided further*, The same tax is paid to the State that is assessed on other private billiard tables.

1868.

§ 4. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1170.

AN ACT to incorporate the Kentucky Vinegar Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. James C. Ford, R. T. Durrett, and their successors, shall be, and they are hereby, created a body-corporate, by the name of the "Kentucky Vinegar Company," with power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places whatsoever, as a natural person; to adopt and use a seal, and the same to alter; to rent a lot or lots and buildings on and in which to carry its manufacturing business, and to rent a lot or lots and buildings in which to store and sell their manufactured articles, or to carry on any other business connected with said corporation, or to buy a lot or lots, and erect thereon suitable buildings for any of the purposes aforesaid; and may purchase or receive mortgages or pledges of any property, real or personal, in collection of or as security for debts.

§ 2. It shall be lawful for said corporation to purchase or have constructed all machinery, appliances, matters, and things necessary to establish and carry on their business.

§ 3. The persons named in the first section shall be the first board of directors, and shall choose one of their number president, and appoint such officers and agents as they deem necessary.

§ 4. The board of directors may fill vacancies in their own body; may prescribe the oath and bond of office; may make and alter or amend any by-laws, rules and regulations, for the government and control of the corporation, not inconsistent with the Constitution and laws of this

1868.

State and the United States; a quorum of the board shall suffice to transact business; and the business of the corporation shall be transacted by said board and its authorized agents.

§ 5. After the first board the board of directors shall consist of five, and shall be elected by the stockholders in the month of January in each year, and enter on duty within fifteen days after such election. They shall serve until their successors are elected and qualified.

§ 6. The powers of said corporation shall cease after twenty five years after the passage of this act, which shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1171.

AN ACT to incorporate Carrsville Lodge, No. 387, of Ancient York Masons, of Livingston.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. W. Threlkeld, Robert H. May, and Isaac Trimble, master and wardens of Carrsville Ancient York Masons, of Livingston county, and their successors in office, be, and they are hereby, created a body corporate, under the name and style of Carrsville Lodge, No. 387; and that the said officers and members of said lodge, and their successors, shall so continue and have perpetual succession; and by the name and style aforesaid they are hereby made capable in law to sue and be sued, plead and be impleaded, to contract and be contracted with, and to answer and be answered, in all the courts of law and equity of this State and elsewhere; to make, have, and use a common seal, and the same to break, alter, or change at their pleasure.

§ 2. The said corporation shall have the right to take and hold, by purchase, gift, or devise, real and personal estate not exceeding the sum of fifteen thousand dollars; to dispose of and convey the same at their pleasure.

§ 3. The business and affairs of said corporation shall be under the control and management of the three principal officers, as aforesaid, to be annually elected by the members of said lodge, and whose duties shall be such as shall be prescribed by a majority thereof.

§ 4. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1172.

1868.

AN ACT to incorporate the T. C. Cecil Lodge, No. 375, Ancient York
Masons.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That the worshipful master, wardens, and members of the T. C. Cecil Lodge, No. 375, of A. Y. Masons, be, and they are hereby, created a body politic and corporate, by the name and style of T. C. Cecil Lodge, No. 375, "Ancient York Masons;" and by that name and style shall be known and called; and shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded; of purchasing and holding, and receiving by gift or otherwise, all such real and personal estate as may be required for the use of said lodge; to receive all necessary deeds and conveyances; to sell, convey, and dispose of all such real and personal estate as they may now hold or may hereafter acquire: *Provided*, The amount invested in real estate, exclusive of building thereon, shall at no time exceed five thousand dollars.

§ 2. That the management of the concerns of said corporation shall be, and is hereby, confided to John M. Fiddler, worshipful master; R. T. Burns, senior warden; and L. C. Dills, junior warden, and their successors in office, as trustees thereof, who shall have power to make all contracts pertaining to the real or personal estate of said lodge; and service of notice or process on any two of said officers shall be sufficient notice to said corporation.

§ 3. The said trustees named in the second section of this act shall hold their office until their successors are duly elected and installed in office: that any real or personal estate now owned by said lodge shall vest in said trustees, in the same way, and to the like extent, as if acquired after this act takes effect. They may have and use a common seal, and change the same at pleasure; but, in conveying real estate, it shall not pass the title, unless agreed to by a majority of said lodge, entered upon their secretary's book.

§ 4. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1173.

AN ACT, entitled "An act for the benefit of the Christian Church at
New Castle."

WHEREAS, The congregation known as the Christian Church, worshipping at, and organized in, the town of New Castle, Kentucky, have title, in their trustees, and their successors in office, to one acre, more or less, of ground in said town, upon which ground they are build-

1868.

ing. and have nearly completed, a house of worship; that they are embarrassed for means to finish said house of worship so as to occupy it for the purposes for which it is being built, and desire to borrow money for said purpose, as well as to meet some indebtedness already contracted; that a grant of power is needed to the trustees of said congregation to enable them to provide means and complete the said house of worship for the use of said congregation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Geo. C. Castleman, James Crntcher, and Jos. Brinker, authorized and recognized trustees of the Christian church, at New Castle, Kentucky, together with their associates and successors, be, and are hereby, constituted a body politic and corporate, with perpetual succession; with the name and title of "Trustees of the Christian Church, at New Castle;" and by that name and title may contract and be contracted with, sue and be sued, in all courts and places; borrow and solicit money; expend the same; and do all things necessary for the best interests of the aforesaid church and its property, until it is completed and all its indebtedness is paid off, not inconsistent with the laws of the United States and this Commonwealth.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1174.

AN ACT to amend an act, entitled "An act for the benefit of the Fleming County Seminary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of Fleming County Seminary," approved January 28th, 1837, chapter 190, Acts 1836-7, be so amended as to create the Fleming county judge, and a majority of the justices of the peace of said county, trustees of said seminary property, and to have the entire and sole control of the same, and to have the power to rent out the same, or to sell and convey the said property, and apply the proceeds to the benefit of Fleming county.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1175.

1868.

AN ACT to authorize the Trustees of the Christian Church, in Shelby County, to Sell said Church whenever they may think proper.

WHEREAS, Robt. Thurston, in his lifetime, executed a title bond, bearing date March the 14th, 1847, for a valuable consideration, to Bailey Harris, Wm. Huss, and Jos. Haydon, as trustees for the Christian congregation at Jephtha, for three fourths of an acre of ground, upon which was built a church by said trustees; and whereas, said Robt. Thurston having departed this life without making a title to the above; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the now surviving trustees of said Christian church, to-wit: Bailey Harris, Shelby Barriger, and Daniel Brumbly, shall be, and are hereby, vested with the title of said lot of ground for the uses and purposes as above stated, who shall have full and entire control of the same.

§ 2. That, should said church dissolve or wish to locate elsewhere, said trustees may sell and convey said church and ground, and make title thereto, and use the proceeds in building another or paying the debts of said church, if any exist.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1176.

AN ACT for the benefit of the Mulberry Church, in Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may and shall be lawful for John D. Taggart and A. C. Brown, trustees of the Mulberry church, in Shelby county, to sell and convey any portion of the land owned and controlled as aforesaid, to John Crockett, and receive in payment land of equal value.

§ 2. That said trustees shall have power to make title to any land so sold to the said Crockett, and receive title of him to any land they may buy and exchange for, of him: *Provided*, The deed be made to the said Taggart and Brown as trustees as aforesaid, and their successors, to be held for the use and benefit of the church aforesaid

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1177.

AN ACT authorizing the Trustees of New Chapel Church, in Hancock County, to sell said New Chapel buildings and lot, and reinvest proceeds of such sale.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the New Chapel Church, in Hancock county, be, and they are hereby, authorized to sell and convey the buildings and lot in said county, known as New Chapel Church, belonging to the Methodist Episcopal Church, South, and the proceeds of such sale shall be reinvested by said trustees for the use and benefit of said church.

§ 2. That this act take effect from its passage.

Approved March 9, 1868.

CHAPTER 1178.

AN ACT for the benefit of Vanceburg School District No. 55, in Lewis County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the qualified voters of Vanceburg common school district, No. 55, shall have the right to vote for and elect three trustees for said school district, who, when elected and qualified, shall have the same powers, in the selection and employment of teachers, the selection of a house in which to have their district common school taught, and holding an election for their successors, as are conferred by law on trustees of other districts.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. The common school commissioner for Lewis county, when advised of the passage of this act, shall give notice of the time and place for holding an election for trustees for said school district, by posting written notices at three public places in said district; and if said notices are so posted for fifteen days before the regular election day in April, it shall be deemed sufficient notice for the present year.

§ 4. If an election shall be held for trustees of said district for the present year under the provisions of this act, the said election shall be held and conducted by the sheriff of Lewis county, or his deputy, and by one of the justices of the peace in said district, who shall appoint a clerk of said election.

§ 5. If, for want of time, the commissioner may not be able to give the notice required in this act, and no election

for trustees shall be held for the present year, the common school commissioner shall appoint trustees for the district.

1868.

§ 6. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1179.

AN ACT, entitled an act for the benefit of School Districts Nos. twenty-two, sixty-nine, and fifty, in Hardin County.

WHEREAS, It is represented that schools were taught in districts sixty-nine and twenty-two, in Hardin county, in eighteen hundred sixty-six, and in district fifty in eighteen hundred sixty-seven, in accordance with the common school law, and that the same, from unavoidable causes, were not reported in time to receive their distributable share of the school revenue, and that they have as yet received nothing of said revenue; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and is hereby, directed to draw his warrant upon the Treasurer in favor of the school commissioners of Hardin county, for the benefit of said districts numbers sixty-nine, twenty-two, and fifty, for the proportionate amounts due them for the respective years for which said schools were taught, to be paid out of the bond fund to the credit of said county, should there be no surplus due the said county for the year eighteen hundred sixty-seven, and the said commissioners of Hardin county shall pay the same as lawfully due to the trustees of each of said districts.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1180.

AN ACT for the benefit of School District number seven, in Jackson County.

WHEREAS, The trustees in common school district number seven, in Jackson county, were unable to procure a competent teacher for the year eighteen hundred and sixty-seven, consequently had no common school in said district for the year eighteen hundred and sixty-seven; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district number seven, in Jackson county, be entitled to draw their full share of the school funds for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, provided the trustees of said district shall cause a common school to be

1868. taught at least five months during the school year eighteen hundred and sixty-eight, under the same rules and regulations that common schools are taught for said year.

§ 2. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1182.

AN ACT to change the Boundary Line between No. 7 and the Grayson Precincts, in Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line between the No. 7 and the Grayson voting precincts, in Carter county, be so changed as to include Banfield Branch and its waters in voting precinct No. 7, in said county.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1183.

AN ACT to change the voting place in the Rollington Precinct, in Oldham County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the voting place in the Rollington precinct, in Oldham county, shall be at the tavern-house of F. Brenner, in said precinct.

§ 2. This act take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1184.

AN ACT changing the place of voting in the Town of Mayslick.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any act or acts heretofore passed by the Legislature requiring the election to be held at the Pepper or Herndon House, in Mason county, be, and the same are hereby, repealed; and the officers of the election are hereby empowered to hold the elections at any suitable place in the town of Mayslick, in said county.

§ 2. This act shall take effect on and after its passage.

Approved March 9, 1868.

CHAPTER 1185.

1868.

AN ACT for the benefit of Precinct No. 8, in Mercer County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sale of spirituous or vinous liquors, or any mixture of either, be, and is hereby, prohibited in justices' precinct No. 8, in Mercer county, better known as the Baton Rouge precinct: *Provided, however,* That this act shall not be construed to interfere with the rights of any person now having a tavern, or other license, under which such liquors are sold; but shall be construed to prevent any sale thereof under any license hereafter granted: *And provided further,* That the county court of Mercer county may grant license to keep a tavern in said precinct; but such license shall not carry with it the right to sell spirituous or vinous liquors, or the mixture of either.

§ 2. Any person violating the provisions of this act shall be subject to the penalties prescribed by existing laws in regard to unlawful sales of such liquors as are prohibited by this act.

§ 3. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1186.

AN ACT to change the Voting Place in Precinct No. 2, in Livingston County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, from and after the passage of this act, that the voting place in precinct No. 2, in Livingston county, be changed from White's old furnace to Green Springs, in said precinct.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1187.

AN ACT to establish an additional Magistrates' District in Ohio County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional magistrates' district be established in Ohio county, with the following boundary, viz: Beginning at the mouth of Brown's on Rough creek, bordering on the Green river; thence a straight line to Hall's old mill; thence to C. W. Massey's, including his dwelling; thence a straight line to Panther creek bridge, on the

1868.

Owensboro road; thence with the Haysville road to where it crosses the road leading to Bell's Run church; thence to Wm. Hamilton's; thence across Rough creek to John P. Smith's; thence to Isaac Duke's; thence to Wm. Murphy's; thence to George Preacher's; thence to Adam Shwaller's; thence to Henry Boswell's; thence to Frank Allen's; thence a straight line to Mark Kuykendall's mill, on Carey creek; thence to the beginning, and including all the voters in said boundary. The voting place in said district, for the first election, is established at Henes' mills.

§ 2. That, on the first Saturday in May next, the qualified voters shall hold an election for the election of a constable and two justices of the peace for said district, who shall hold their offices until the regular election of such officers under the general laws of the State. The said election shall, in all things, be governed by the election laws of the State.

§ 3. That at that election a vote shall be taken whether the voting place in said district shall be at Henes' mill or Sulphur Springs; and the place getting a majority of the votes cast shall be the precinct voting place in said district.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1168.

AN ACT to change the Line between the Haysville and Lebanon Magistrates' and Voting Districts, in Marion County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the Haysville and Lebanon magistrates' and voting districts, in Marion county, be thus changed: Commencing at the Washington county line, where it crosses Lick Run; thence up Lick Run to where it crosses the Lebanon and Danville turnpike road; thence with said road to the present line of the Lebanon district.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1189.

1868.

AN ACT to authorize the County Court of Pendleton County to borrow money to pay off the Railroad Debt of said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Pendleton county, by the county judge or the legally appointed agents thereof, are hereby authorized to borrow an amount of money sufficient to purchase and pay off the entire outstanding railroad bonds of said county; and said agents are hereby authorized to pay a rate of interest for the use of said money not to exceed, however, twelve and one half per cent. per annum: *Provided*, That they shall not borrow a greater amount of money than the par value of said outstanding bonds amount to, and for a period not exceeding two years.

§ 2. That the real estate of said county of Pendleton shall remain and be bound for the payment of said money, borrowed under the provisions of this act, in the same manner and under the same provisions that said real estate is now bound by the now existing laws for the payment of said railroad bonds.

§ 3. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1190.

AN ACT to legalize certain acts of the Mercer County Court.

WHEREAS, The county court of Mercer county, sitting as the county court of claims, at its March term, 1868, levied a tax of five cents on the one hundred dollars of taxable property in said county for county purposes, and done and performed various other acts relative to the business of said county; and doubts arising as to the legality of said acts of said court, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the county court of said county in making said levy, and all other acts done and performed by said court, at its March term, 1868, be, and the same are hereby, legalized and made valid for all intents and purposes, as fully and completely as if said levy and said acts had been made and performed in strict conformity to law.

§ 2. This act shall be in force from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1191.

AN ACT for the benefit of Greenup County Court.

WHEREAS, Celia Emeline Adkins, an orphan girl, was, by the Greenup county court, adjudged to be a feeble-minded person, and was ordered to be taken to the institute for the feeble-minded at Frankfort, and she was taken and confined in said institution; and whereas, the said Greenup county court necessarily expended, for the support and maintenance of said child, previous to her being taken to said institution, and for her clothing, to prepare her for entrance into said asylum, and for expenses in taking her to said institution—in all, the sum of one hundred and eighty-four dollars and seventy cents; and whereas, it is deemed just that the Greenup county court be reimbursed for said expenditure,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said sum of one hundred and eighty-four dollars and seventy cents be, and the same is hereby, appropriated to the Greenup county court, to repay said expenditure; and the Auditor is hereby directed and required to draw his order on the Treasurer for said sum, in favor of D. I. McCoy, the presiding judge of said court, for the benefit of said Greenup county court, payable out of any money in the treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 1192.

AN ACT to authorize the Fleming County Court to levy an ad valorem Tax.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Fleming county court, a majority of the justices concurring, is authorized to levy an *ad valorem* tax upon the property of said county liable to be taxed for revenue purposes, and the real estate situate therein, not to exceed a sum sufficient to erect new fire-proof clerks' offices, or to so modify and change the present clerks' offices as to render them fire-proof. Said tax shall be collected by the sheriff of said county at the same time, in the same mode, and under the same penalties, he is now required to collect the revenue tax; and he shall receive the same commission therefor, and pay the same to the county treasurer of said county.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1193.

1868.

AN ACT to authorize the County Court of Ohio County to raise Money by sale of County Bonds, to be used in building Bridges and repairing Roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Ohio county to raise not exceeding ten thousand dollars, by the sale of the bonds of said county, and appropriate the money for the purpose of building and repairing bridges and improving the roads of said county.

§ 2. The said bonds shall be signed by the county judge, and countersigned by the clerk of said court, and the number and date shall be entered of record in said court at the time of issuing the same, and made payable at not longer time than ten years, and bear not exceeding six per cent. interest, payable either annually or semi-annually, as may be ordered by the court.

§ 3. The said bonds shall issue only upon the order of said court, a majority of the justices of the peace being present and concurring therein; and the said court, composed as aforesaid, shall make the orders appropriating the money which may be raised by the sale of said bonds.

§ 4. The said court may levy a capitation tax of not exceeding fifty cents, and an *ad valorem* tax of not exceeding five cents on each hundred dollars of property in said county liable to State revenue, for the purpose of paying the interest and principal of said bonds; and may establish a sinking fund and appoint commissioners to control the same, with the view of finally liquidating the said bonds; and may make all necessary orders in regard to the collecting, safe-keeping, and paying out the same.

§ 5. The sheriff of said county shall collect and account for the same in the same manner as the county levy and State tax are now collected and accounted for by law, and shall have the same power to distrain for the same, and he and his securities shall be liable for the same in like manner. The said court shall faithfully apply said tax and levy to the payment of said bonds and the interest thereon, as it shall fall due.

§ 6. This act to take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1195.

AN ACT to define the line between the Counties of Lewis and Carter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line between the counties of Lewis and Carter shall run so as to include the residences of William Kinder, Marion McClerg, Alexander Pendland, Wm. Rayborn, Henry Rayborn, George Pendland, Wm. H. Logan, Tobias Logan, O. H. Holland, and James A. Patrick, in the county of Lewis.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1199.

AN ACT for the benefit of the Lincoln County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Lincoln county court is hereby given the further time of five years to procure an iron safe for the use of the clerks' offices of said county.

§ 2. This act to have effect from its passage.

Approved March 9, 1868.

CHAPTER 1200.

AN ACT to punish certain Trespasses in Scott County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any person or persons shall willfully destroy, or injure any bridge or culvert on any turnpike or other public road in Scott county, by taking, removing, or displacing any of the timber, stone, iron, or other materials of which said bridge or culvert may be made, such person or persons so offending shall be guilty of a misdemeanor, and shall be punished by confinement in the county jail, for a period of not less than two nor more than twelve months, or by fine not less than twenty-five nor more than one hundred dollars, or by both, in the discretion of the jury.

§ 2. That if any person or persons shall willfully tear down, destroy, or injure any stone fence or wall in Scott county, the person or persons so offending shall be guilty of a misdemeanor, and shall be punished by confinement in the county jail for a period of not less than two months, nor more than twelve months, or by fine of not less than

ten nor more than fifty dollars, or by both, in the discretion of the jury.

1868.

§ 3. This act to be in force from and after the first day of May, 1868.

Approved March 9, 1868.

CHAPTER 1201.

AN ACT for the benefit of certain Officers of Pike and Letcher Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the late sheriffs, judges, clerks, and all other civil officers of the counties of Pike and Letcher, be, and they are hereby, allowed the further time of two years, from and after the passage of this act, to collect and distrain from all taxes and fee bills due them: *Provided*, Said civil officers shall be subject to all pains and penalties now imposed by law for issuing, distraining for, and collecting illegal fee bills and taxes.

§ 2. That this act shall take effect and be in force from its passage.

Approved March 9, 1868.

CHAPTER 1202.

AN ACT for the benefit of Pike and Letcher Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State is hereby empowered and directed to furnish the county courts, circuit courts, and magistrates of Letcher and Pike counties, with such books as by law they are entitled to, according to the provisions of chapter sixty-one of the Revised Statutes, and the several acts amending the same, and supplementary thereto—and which books are missing from their offices, having been lost or destroyed—when a certified copy of an order of the county court of the respective counties is filed in his office specifying what books are missing from the offices in the counties, and if it is necessary to purchase them, and report the same to the Auditor, who shall draw his warrant upon the Treasurer for payment of the same, and the Treasurer shall pay the same out of any moneys not otherwise appropriated.

§ 2. This act shall be in force from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1203.

AN ACT to create and regulate the Office of County Treasurer for Franklin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created for the county of Franklin the office of county treasurer; said officer shall be elected at the first election by the justices of the peace for said county and the county judge, and a majority so present shall be necessary to elect. The person so elected shall hold his office until his successor has been duly elected and qualified, at the court of claims for said county, in the year 1870; and at the same court, every four years thereafter, a successor to said office shall be elected.

§ 2. Said treasurer shall execute a bond with one or more sureties, to be approved by the presiding judge of said court, a bond similar to that required by law to be given by collectors of the county levy, to be sued upon in the same manner.

§ 3. It shall be the duty of said treasurer to collect, receive, and receipt for all money due or to become due to said county, from the several collecting officers thereof, to be held subject to the order of the county court of said county. He shall have power, and it shall be his duty, to institute actions against all delinquent sheriffs or collectors of said county. In the month of October of each year such sheriffs and collectors shall settle their accounts with said treasurer, and pay over any balance due by them; and at the county court held in the following month, said treasurer shall report such settlements to the county court. He shall keep a book, to be furnished and paid for as other public books, in which he shall keep a correct account of all moneys received by him for the county, showing when and on what account received, and when and on what account disbursed by him.

§ 4. It shall not be lawful for any one except said treasurer to receive any money due or to become due to said county: *Provided, however,* That the sheriff or collector may, as heretofore, pay off claims against the county out of the county levy, and receive credit therefor in his said settlement.

§ 5. It shall be the duty of the county judge of said county, in the month of December of each year, to settle the county treasurer's accounts, and report the same to the next county court, which shall lie over to the succeeding term for exception; and if no exceptions are then taken, or those taken are overruled, said settlements shall be confirmed and recorded; said judge shall receive the compensation allowed by law in other cases for making said settlement.

§ 6. The county court clerk shall record all the settlements herein provided for, and shall receive for his services fees as allowed by law for similar services, to be paid out of the county levy.

1868.

§ 7. The county court, composed as required for the election of the treasurer, shall fix the rate of compensation to be allowed him, which shall not be diminished during his term of office, but may, at any time, be by them increased.

§ 8. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1204.

AN ACT for the benefit of the Janitor of the Court-house of Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners, or a majority thereof, of the court-house of Jefferson county, may, by resolution, authorize and permit the janitor of said court-house to erect in the basement thereof a stand for the sale of refreshments—cigars, tobacco, apples, &c.—for one year from the date of said resolution, and renewable from year to year at the will and pleasure of said commissioners.

§ 2. That said commissioners will require the said janitor to pay, for the privilege granted in the first section, a sum not exceeding fifty dollars per annum, to be used by said commissioners in paying the current expenses of said court-house; they will also require that said refreshment stand be closed at six o'clock, P. M., and not opened till eight o'clock, A. M.; and the amount required to be paid by the janitor in the second section shall be in lieu of any license tax that is now imposed by any ordinance of the city of Louisville for similar or like privileges: *Provided*, That nothing in this act shall be so construed as to allow or permit the sale of spirituous or malt liquors, wine or cider.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1206.

AN ACT for the benefit of the Board of the Sinking Fund Commissioners for Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hardin county court, composed of the presiding judge and a majority of the justices of the peace

1868.

for said county, are hereby empowered, upon the petition of the Sinking Fund Commissioners of said county, to authorize the issual of the bonds of Hardin county to the amount of two hundred thousand dollars, in sums of one thousand dollars each, payable to bearer twenty years after their respective dates, with coupons annexed, for the payment of semi annual interest upon said bonds, at the rate of six per cent. per annum—the said bonds to be signed by the presiding judge and countersigned by the clerk of said court, and the coupons to be attested by the said clerk.

§ 2. The said bonds are to have the words "This bond to be only negotiable when indorsed with the word 'negotiable,' signed by the treasurer of the Sinking Fund Commissioners of Hardin county, and the presiding judge of the Hardin county court, and attested by the clerk of said court, with his seal of office annexed. The taxable property of Hardin county, and the stock of said county in the Louisville and Nashville railroad company, and the faith of said county, are pledged for the payment of the principal and interest of this bond," embodied in each bond, and are to be issued in sets of not more than twenty in a set, and but one set to be issued until the set previously issued are entirely disposed of, unless by the express authority of said court, composed as aforesaid.

§ 3. Said bonds are to be disposed of, under the directions of the said Sinking Fund Commissioners, by the treasurer of said board, in taking up the bonds issued first of April, 1853, first of April, 1854, and first of April, 1855, payable to the Louisville and Nashville railroad company, to pay the subscription of Hardin to said company by exchanging them for said bonds, or using the proceeds of the sale of such bonds in paying said former issues of bonds.

§ 4. The principal and interest of said bonds shall be provided for, levied for, and paid for, by the same court, and persons, and at the same place, as provided for in the act incorporating said railroad company, and the several amendments thereto, and in the orders of the said county court directing a vote of the people of said county as to the original subscription of stock in said company, and issual of bonds to pay the same, and ordering such subscriptions to be made.

§ 5. That should a tax at any time be levied upon the taxable property of Hardin county to pay the principal or interest of the bonds authorized by this act, the tax-payers shall be entitled to the stock of said county in said company to the extent of their respective payments, to be issued to said tax-payers or their assigns when receipts to the amount of one hundred dollars are presented, as pro-

vided for in said charter and amendments and said orders of said court

1868.

§ 6. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1208.

AN ACT to suspend an act, entitled "An act to require the County Courts to have one or more Fire-proof Vaults in their respective Counties," approved February 11th, 1867, so far as the same applies to Muhlenburg County, for a period of four years from the passage of this act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to require the county courts to have one or more fire-proof vaults in their respective counties erected for the safe-keeping of the public records of their counties," approved February 11th, 1867, so far as the same applies to Muhlenburg county, to suspend for the period of four years from the passage of this act.

§ 2. That this act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1209.

AN ACT for the benefit of the County Courts of Adair and Taylor Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county courts of Adair and Taylor counties are hereby allowed the further time of five years from this date to procure an iron safe for the use of the clerk's offices of said counties.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1210.

AN ACT for the benefit of the Citizens of Josh Bell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the citizens of Josh Bell county be, and they are hereby, exempt from paying toll on the Wilderness turnpike road at the two gates in Knox and Josh Bell counties.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1211.

AN ACT for the benefit of J. M. Atkeson, Clerk of the Magoffin Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. M. Atkeson, clerk of the Magoffin circuit court, is hereby authorized and allowed to revise and make out a complete list of all the treasury claims allowed by the Magoffin circuit court, at its November term, 1867; and that, when such revised list shall be made out and forwarded to the Auditor, the same shall be as effectual, for all purposes, as if it had been made out complete originally.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1212.

AN ACT for the benefit of the Clerk of the Boyle Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Boyle circuit court shall have the further time of two years within which to issue, collect, and distrain, as now provided for by law, for such fees as may be due him for services as such: *Provided, however,* That said clerk shall be liable and responsible for issuing or collecting illegal fee bills under this act, as provided for by law for such offense under the general laws.

§ 2. This act shall be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1213.

AN ACT for the benefit of Thomas E. Young, late Clerk of the Metcalfe County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, given to Thomas E. Young, late clerk of the Metcalfe county court, in which to list and collect his uncollected fee bills, due him as clerk of the Metcalfe county court, under the existing laws of this Commonwealth.

§ 2. This act shall take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1214.

1868.

AN ACT for the benefit of Robert Marshall, late Clerk of the County Court of Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Marshall, late clerk of the Green county court, have the further time of two years in which to list and collect and distrain for his fee bills, as clerk aforesaid.

§ 2. But he shall be subject to the laws now in force for the issuing or collection of illegal fee bills.

§ 3. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1215.

AN ACT for the benefit of K. Jameson, late Judge of the Hart County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That K. Jameson, late judge of the Hart county court, be, and he is hereby, allowed the further time of one year to collect his fee bills, and is entitled to all the rights and privileges now provided by law for the enforcement and collection of his fee bills as a county judge, and liable to all the pains and penalties for any illegal collection of same.

§ 2. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1216.

AN ACT for the benefit of C. W. Stratton, Jailer of Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. W. Stratton, jailer of Shelby county, be, and he is hereby, allowed, in addition to the sum he is now entitled to by law, the further sum of seventy-five cents per day, from the 25th day of September, 1866, to the 25th day of February, 1868, amounting in the whole to the sum of three hundred and ninety-five dollars, for keeping and taking care of Edward Terrill, now confined in the jail of Shelby county; and the Auditor of Public Accounts is hereby directed to draw his warrant on the State Treasurer for said sum of three hundred and ninety-five (\$395) dollars in favor of the said C. W. Stratton.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1217.

AN ACT for the benefit of Lewis T. Holmes, of Hancock County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it may be lawful for Lewis T. Holmes, living one half mile from the town limits, to be eligible to hold the office of town marshal for the town of Hawesville, under the same rules and regulations touching those living within the limits of said town.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1218.

AN ACT for the benefit of James J. Dyer, of Hart County.

WHEREAS, It appears to the General Assembly of the Commonwealth of Kentucky, that on the twenty-seventh day of March, one thousand eight hundred and sixty-seven, Letha Ellender Jaggers was, by the Hart county court, found to be a pauper lunatic; and whereas, at the time she was so found, and from time to time thereafter until the twenty-first day of October, one thousand eight hundred and sixty-seven, application was made to the lunatic asylums for her admittance therein, and she was refused for want of room; and whereas, James J. Dyer, of Hart county, kept and provided for said pauper lunatic from the twenty-seventh day of March, one thousand eight hundred and sixty-seven, until the twenty first day of October, one thousand eight hundred and sixty-seven, a space of near seven months, furnishing her the necessary board and clothing and attention during said time, and until she was received into said asylum; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James J. Dyer be, and he is hereby, allowed the sum of one hundred dollars in full compensation for keeping said lunatic; and the Auditor is directed to draw his warrant upon the treasurer for said amount; and this sum to be in full settlement for said claim.

§ 2. This act to be in force from its passage.

Approved March 9, 1868.

CHAPTER 1219.

AN ACT for the benefit of Stephen Angland and John A. Pickens, of Rockcastle County.

WHEREAS, It appears that the Rockcastle county court ordered Stephen Angland to summon one guard and con-

vey Thomas McBeans, a pauper lunatic, to the Western Lunatic Asylum at Hopkinsville; and whereas, it appears that the said Stephen Angland, and John A. Pickens, guard, expended, in conveying said lunatic, the sum of one hundred and nine dollars and fifty cents, and received for said services only the sum of sixty dollars; therefore, in order to cover the residue of said expenses, &c.,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury in favor of Stephen Angland and John A. Pickens, of Rockcastle county, for the sum of forty-nine dollars and fifty cents.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1220.

AN ACT for the benefit of John Y. Wooldridge, of Greenup County.

WHEREAS, John Burch was adjudged to be a lunatic by the Greenup circuit court, and ordered to be taken and confined in the Lunatic Asylum at Lexington, Kentucky, and John Y. Wooldridge was appointed to execute said order, and did, with the necessary assistance of one guard, take said lunatic to said asylum, wherein he was confined; and whereas, he was allowed therefor the sum of ninety-three dollars and sixty cents by the Greenup circuit court, which was according to the rate of charges established by law for such services and expenses, which allowance was duly certified by said court; and whereas, he received the sum of thirty dollars of said account from the superintendent of said asylum, leaving a balance of sixty-three dollars and sixty cents still due him; now, in order to do justice to said Wooldridge,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said sum of sixty-three dollars and sixty cents be, and the same is hereby, appropriated to said John Y. Wooldridge for the said balance due him; and the Auditor is hereby directed and required to draw his order on the Treasurer in favor of John Y. Wooldridge for said sum, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1221.

AN ACT to restore David R. Boner, of Pendleton County, to the Right of Citizenship.

WHEREAS, David R. Boner was, in 1861, convicted, in the Pendleton circuit court, of shooting with intent to kill, and sentenced to the penitentiary for one year; and whereas, it is represented to the General Assembly that said Boner was only seventeen years old at the time; that he was a youth of quiet and industrious habits; that his aged parents are worthy citizens of Pendleton county; and that, since serving his time in the penitentiary, he has always resided with his parents in Pendleton county, and has lived a life of rectitude, and has gained the confidence of all his neighbors, who are anxious that he should be relieved of all disabilities consequent upon his said conviction; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the said David R. Boner be, and hereby is, restored to all the rights of citizenship, and relieved of all his disabilities consequent upon his said conviction.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1222.

AN ACT for the benefit of Junius Caldwell, of Louisville.

WHEREAS, Junius Caldwell, agent for his sister, Mrs. P. L. Helm, of Warren county, Kentucky, listed for taxation, in Adair county, a tract of three hundred and twenty-two acres of land, lying in Adair county, for the years 1857, 1858, 1859, 1860, 1861, and 1862, and that he paid forty-four (\$44) dollars, the revenue tax for said years, and for the same time W. D. Helm, agent for his wife, Mrs. P. L. Helm, listed said land, and paid the taxes thereon for the same time, in the county of Warren, whereby said taxes were twice paid to the State of Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby directed to draw his warrant upon the Treasurer in favor of Junius Caldwell for forty-four (\$44) dollars, the same being to reimburse him for taxes paid twice in Adair and Warren county.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1223.

1868.

AN ACT for the benefit of S. K. Damron.

WHEREAS, S. K. Damron did, in the year 1867, under the order of the Pike county court, take to the Hopkinsville Lunatic Asylum one James Robinson, and did take two guards, as he was ordered to do; and said S. K. Damron was able to only draw pay and mileage for one guard, and said amount did not repay said Damron his actual expenses by ninety-eight dollars and seventy-five cents; therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby instructed to draw his warrant on the Treasurer in favor of S. K. Damron for ninety-eight dollars and seventy-five cents, and the Treasurer will pay the same.

§ 2. This act shall be in force from and after its passage.

Approved March 9, 1868.

CHAPTER 1224.

AN ACT for the benefit of W. C. D. Whips and Company and Wallace Strain.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of one hundred and fifty-eight dollars and sixty cents be, and the same is hereby, appropriated to the proprietors of the Williard Hotel in Louisville; and that the Auditor shall draw his warrant on the Treasurer in favor of W. C. D. Whips and Company, proprietors of said hotel, for the said sum hereby appropriated, payable out of any funds in the Treasury not otherwise appropriated, in consideration of the entertainment of the joint committee of the General Assembly directed to visit and investigate the affairs of the Kentucky Insurance Company.

§ 2. That the Auditor shall also draw his warrant on the Treasurer for ten dollars in favor of Wallace Strain, payable out of any money in the Treasury not otherwise appropriated, in compensation for services in examining the books of said insurance company, as an expert accountant, under the direction and employ of said joint committee.

§ 3. This act to take effect from and after its passage.

Approved March 9, 1868.

1868.

CHAPTER 1225.

AN ACT for the benefit of Elizabeth Gilford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasurer for the sum of twenty-five dollars in favor of Elizabeth Gilford. Said amount so allowed is for keeping one Samuel Gilford, an adjudged idiot, for a period of six months.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1226.

AN ACT for the benefit of Martha Larue, of Larue County.

WHEREAS, Mrs. Martha Larue, of Larue county, was improperly assessed for the year eighteen hundred and sixty four, and paid a tax of fourteen dollars and sixty cents wrongfully, which went into the Treasury; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor is hereby directed to draw his warrant on the Treasury in favor of Martha Larue, of Larue county, for fourteen dollars and sixty cents, it being the amount wrongfully paid as a tax by her in the year eighteen hundred and sixty-four.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1227.

AN ACT for the benefit of G. S. Jones, of Marshall County.

WHEREAS, the certificate of the county judge of Marshall county shows that E. Collins, M. Lee, and P. Wilson, were all found to be lunatics in said county, in the year eighteen hundred and sixty-six, and that G. S. Jones was ordered and did have said lunatics conveyed to the Western Lunatic Asylum, at Hopkinsville, a distance of sixty-five miles, and carried with him in each case, by order of the county court, a guard, for which said Jones paid them thirty-one dollars; and whereas, there is no provision in the law, as construed, for the pay of such guards when the lunatic is received; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State in favor of said G. S. Jones for the same.

§ 2. That this act take effect from its passage.

Approved March 9, 1868.

CHAPTER 1228.

1868.

AN ACT for the benefit of John G. Cole, of Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty dollars be, and the same is hereby, allowed to John G. Cole, of Madison county, for attending as a witness on two occasions and paying his own expenses at Frankfort, in the year.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1229.

AN ACT for the benefit of H. A. James, of Butler County.

WHEREAS, H. A. James, of Butler county, was, at the August election for the year 1867, elected county attorney for said county, to fill a vacancy in said office, without opposition; and whereas, there was no attorney residing in Butler county eligible to said office who would accept the same; and whereas, said H. A. James has not been a practicing lawyer for two years prior to his election and acceptance of said office; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one, article twenty-three, chapter twenty-eight, of the Revised Statutes, shall not be deemed and held to apply to H. A. James, of Butler county, by reason of his election, qualification, and acceptance of the office of county attorney for said county, before he had been a licensed lawyer for two years prior to his election and acceptance of said office.

§ 2. That no fine or forfeiture shall work to said H. A. James by reason of his having accepted said office of county attorney; and said H. A. James may plead this act in abatement of any indictment that may be returned against him for assumption of the said office of county attorney.

§ 3. That this act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1230.

AN ACT for the benefit of Wm. Rial, of Hancock County.

WHEREAS, William Rial, of Hancock county, has a son William in the Western Lunatic Asylum, who is twenty-three years old, and said William Rial has a large family and in limited circumstances, desires to be released from any further payment for keeping said son in the Asylum; therefore,

1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Rial, sr., of Hancock county, is by this act released from the further payment of any expenses for keeping his son William Rial at the Lunatic Asylum.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1231.

AN ACT for the benefit of P. H. Ryan, of Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. H. Ryan, of Kenton county, on obtaining the certificate of the Kenton county court that he is a person of honesty, probity, and good demeanor, and producing the same before the Kenton circuit court, and a diploma that he has graduated at any regularly established law school in the State of Kentucky, or the license granted to him to practice law given by any two circuit judges of Kentucky, shall be permitted to practice law in the courts of this State as if he were of full age; and he shall be subject to all the responsibilities, and have all the rights and privileges, of a person of full age.

§ 2. This act shall be in force from its passage.

Approved March 9, 1868.

CHAPTER 1232.

AN ACT for the benefit of A. S. Layne and Mahlen Leggett.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrants on the State Treasurer in favor of A. S. Layne for the sum of seventy-six dollars and eight cents, and in favor of Mahlen Leggett for seventy-six dollars and eight cents, for conveying a pauper lunatic from Mount Sterling to Hopkinsville and back.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

CHAPTER 1233.

1868.

AN ACT for the benefit of J. F. Robinson, Agent of Phoenix Hotel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, authorized to draw his warrant on the Treasurer for the sum of fifty-three dollars in favor of J. F. Robinson, agent of Phoenix Hotel, for board furnished committee who visited the Lunatic Asylum at Lexington.

§ 2. This act to take effect from and after its passage.

Approved March 9, 1868.

CHAPTER 1234.

AN ACT for the benefit of John Dishman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasury in favor of John Dishman for the sum of thirty dollars, for services rendered as Commonwealth's attorney, *pro tem.*, October term, 1867, Letcher circuit court.

§ 2. This act to take effect from its passage.

Approved March 9, 1868.

CHAPTER 1235.

AN ACT for the benefit of Wm. T. Mobley, of Carter County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer of State in favor of Wm. T. Mobley, of Carter county, for the sum of forty-two dollars, amount due him as guard in conveying E. B. Elliott, a pauper lunatic, from Grayson to the Western Lunatic Asylum.

§ 2. This act shall take effect from its passage.

Approved March 9, 1868.

1868.

CHAPTER 1236.

AN ACT to incorporate the Aurora Fire Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry A. Faber, Jacob Krehbiel, Henry Leibhart, George A. A. Voigo, Henry Schroer, Charles Ulrich, and Timothy Heineman, and their associates and successors, are hereby created a body-corporate and politic, by the name and style of "Aurora Fire Insurance Company;" and by that name shall be capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity; and with full power to acquire and hold both real and personal property; to sell and convey the same as may best suit the interests of said company; and to make and use a common seal, and the same to alter or renew at pleasure, and generally to do and perform all things relative to the object of this institution.

§ 2. The capital stock of this company shall be fifty thousand dollars, which may be increased to two hundred thousand dollars, at the option of the directors, and shall be composed of shares of twenty dollars each, and consist of cash, United States and State bonds, and mortgages on unincumbered real estate, worth double the amount of the mortgage.

§ 3. So soon as one thousand shares of said stock is subscribed and paid in or secured by mortgage, the company shall be competent to transact all kinds of business for which it is established.

§ 4. The transfer of stock may be made by any stockholder or his legal representative, subject to such restrictions as the board of directors shall, from time to time, establish.

§ 5. The business of said company shall be managed by a board of directors, consisting of not less than seven nor more than fifteen stockholders, to be elected as follows: The stockholders shall hold a meeting for the first election within one month after one thousand shares shall have been subscribed, and on the first or third Monday in January in each year thereafter, and elect by ballot eleven directors at the first election, at which election two or more of the incorporators shall act as judges of the election, keep a poll-book, and declare the persons elected directors; each share of stock shall entitle the holder to one vote. The stockholders residing in another city from that where the principal office shall be located, may send in their vote by mail; and the directors so chosen shall serve until the third Monday in January following, and until their successors are elected and qualified. At their first meeting after each election, said directors shall choose by ballot a

president from amongst themselves; a majority of them shall be necessary to constitute a quorum. Vacancies in the board may be filled by the directors for the remainder of the year.

1868.

§ 6. It shall be lawful for said company to insure houses and other buildings, and personal property of any kind, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as may be contained in the policy of insurance.

§ 7. The president and directors shall declare such dividends accruing from the profits of the company as shall not impair, nor in anywise lessen, the capital stock; and shall also retain, in addition to the amount of the capital stock, a sufficient amount to reinsure.

§ 8. The president and directors shall have power to appoint a secretary, and such other officers as may be necessary for the transaction of the business of the company, and may allow them such compensation as may be reasonable for their services, and to establish such by-laws as may appear to them best calculated to promote the interest of the institution, and not being contrary or inconsistent with the provisions of this act, the Constitution and laws of this State and the United States.

§ 9. As soon as a thousand shares of stock is subscribed, the individuals named in the first section of this act, or any number of them, may call a meeting of the stockholders at some suitable place in the city of Covington, and proceed to organize said company under this act.

§ 10. This act shall be in force and continue fifty years from and after its passage.

Approved March 9, 1868.

INDEX TO LOCAL AND PRIVATE ACTS.

Academy, Harrison County, act to amend act concerning the	155
Academy, Seventh District, in Garrard county, act to incorporate the	339
Adair county, act for the benefit of D. C. Miller, of	120
act for the benefit of Woodson Firquire, of	129
Adair and Taylor county courts, act for the benefit of	627
Allen county, act to authorize the Secretary of State to furnish certain books to the sheriff of	534
Alexandria, in Campbell county, act to amend the charter of the town of	221
Alexandria and Crane Trace turnpike road company, act to incorporate the	359
Alexandria and Flag Springs turnpike road company, in Campbell county, act to amend the charter of the	362
Allensville and Elkton turnpike road company, act to incorporate the	473
Allensville Hotel Company, act to incorporate the	583
Allensville Milling and Manufacturing Company, act supplemental or amendatory of act to incorporate the	581
Allison, John H., and sureties, act for the benefit of	539
Anderson Mining Company, act to incorporate the	91
Angland, Stephen, and John A. Pickens, of Rockcastle county, act for the benefit of	630
Ashland, in Boyd county, act to amend the charter of the town of	82
Ashland Library Company, act to incorporate the	595
Ashland Retort, Fire-brick, and Tile Company, act to incorporate the	5
Assessors, act to increase the fees of	541
Association, Auction Mart, of Louisville, act to amend act to incorporate the	74
Blandville and Ballard County Agricultural and Mechanical, act to in- corporate the	96
Blue Grass Agricultural, Mechanical, and Horticultural, act to incorpo- rate the	169
Cloverport, for the Improvement of the Breeds of Horses, act to incor- porate the	587
Henderson Running Park, act to incorporate the	603
Joint Stock Agricultural and Mechanical, of Madison county, act to amend act for the benefit of the	104
Kentucky Industrial and Emigration, act to amend the charter of the ..	591
Library, of Louisville, act to incorporate the	25
Louisville Burial, act to amend act to incorporate the	207
Maysville Trotting Park, act to incorporate the	51
Odd Fellows' Mutual Life Assurance, of Louisville, act to incorporate the	196
Paducah Library and Literary, act to incorporate the	157
Pewee Valley Building, act to incorporate the	585
Teachers' Mutual Aid, of Louisville, act to incorporate the	163

Assurance Company, Cincinnati Mutual Health, act for the benefit of the.....	578
Asylum, St. Vincent's Orphan, act to incorporate the.....	304
Atkeson, J. M., clerk of the Magoffin circuit court, act for the benefit of	628
Auction Mart Association, of Louisville, act to amend act to incorporate the	74
Augusta College, act to authorize the correction of the survey and grant to trustees of	247
Augusta and Germantown turnpike road company, act to incorporate the	297
Augusta and Mount Zion turnpike road company, act to incorporate the.....	398
Aurora Fire Insurance Company, act to incorporate the	638
Bailey, W. D., late constable of Webster county, act for the benefit of	529
Baker, A. Q., late sheriff of Boone county, act for the benefit of	539
Bank, Deposit, of Georgetown, act to amend the charter of the.....	183
Deposit, of Midway, act to incorporate the	543
German's Savings, of Covington, act to incorporate the.....	47
Kenton Savings, of Covington, act to incorporate the.....	34
Phoenix, of Kentucky, at Louisville, act to incorporate the	45
Banking Company, City, of Campbell county, act to incorporate the.....	250
Baptist Church, Regular, at Owenton, act to incorporate the.....	187
Bardstown Cemetery Company, act to incorporate the	194
Bardstown and Green River turnpike road, act to repeal 2d section of act for the bene- fit of	513
Barren county, act for the benefit of James J. Borch, of.....	15
Barren county, Board of Internal Improvement for, act to repeal act to charter the...	471
Barren County Railroad, act to raise subscription to the.....	42
Bedford, Paul C., late sheriff of Montgomery county, and his sureties, act for the ben- efit of	535
Bell, Joseph, and his sureties, act for the benefit of.....	529
Beshears, Sciatha, of Hopkins county, act for the benefit of.....	147
Bethel and Owingsville turnpike road company, act to incorporate the.....	361
Biggs, Alfred Taylor, of Henderson county, act for the benefit of.....	56
Big Spring Lodge, No. 162, I. O. O. F., act to incorporate the.....	231
Blair, A. W., former sheriff of Nicholas county, act for the benefit of	536
Blandville and Ballard County Agricultural and Mechanical Association, act to incor- porate the.....	96
Blandville and Cairo turnpike road company, act to incorporate the.....	308
Blue Grass Agricultural, Mechanical, and Horticultural Association, act to incorporate the.....	169
Board, William, of Caldwell county, act for the benefit of.....	121
Board of Internal Improvement for Barren county, act to repeal act to charter the...	471
of Shelby county, act for the benefit of the.....	471
Board of Sinking Fund Commissioners for Hardin county, act for the benefit of the...	625
Bohon Town turnpike road company, act to incorporate the	513
Boner, David R., of Pendleton county, act to restore to the right of citizenship.....	623
Booth, A. J., sheriff of Bourbon county, act for the benefit of	116
Bowling Green, act to enlarge and define the boundary of the town of	315
Bowling Green Water-works Company, act to amend the charter of the	9
Boyd circuit and county courts, act for the benefit of W. O. Hampton, clerk of the....	266
Boyle circuit court, act for the benefit of the.....	629
Boyle County Medical Society, act for the incorporation of the.....	582

Bracken county, act for the benefit of Richard J. Hughey, late county and circuit clerk of.....	186
Bracken county court, act to legalize the acts of the	341
Bracken and Robertson County turnpike road company, act to incorporate the.....	176
Bracken turnpike road company, act to incorporate the.....	496
Brandy Springs precinct, in Garra nd county, act to change the voting place in the....	87
Brass Band, Catlettsburg, act to incorporate the.....	579
Breathitt circuit and county courts, act for the benefit of A. B. Patrick, late clerk of the.....	302
Brick-Layers' Union, Protective, No. 1, city of Louisville, act to incorporate the	607
Brick-work in the city of Louisville and county of Jefferson, act in relation to the measurement of	152
Bridge Company, Clifton Kentucky River, act to incorporate the.....	468
Bridge Company, Newport and Cincinnati, act to amend the charter of the.....	30
Bridge Company, Paducah and Illinois, act to incorporate the	159
Broadhead Mining and Manufacturing Company, act to incorporate the	256
Broadway Methodist Episcopal Church, South, of Louisville, act to incorporate the ..	125
Brooksville Seminary, act to incorporate the	154
Browder Institute, in Logan county, act to incorporate the	102
Building Company, Hopkinsville, act to incorporate the	189
Burch, James J., of Barren county, act for the benefit of	15
Burksville, act to amend and reduce into one all the acts concerning the town of....	432
Burton, Sarah A., and Julia G., of Mason county, act for the benefit of	186
Bullitt county, act for the benefit of school district No. 8, in	318
Bulls kin and Middletown turnpike road company, act to incorporate the.....	401
Burleyville and Muldrough's Hill turnpike road company, act to incorporate the.....	485
Butler county, act to change the voting place in district No. 4, in.....	212
Butler county, act for the benefit of H. A. James, of	635
Butler county court, act to authorize the, to sell and convey the poor-house	345
Cadiz Lodge, No. 159, I. O. O. F., act to amend act to incorporate	116
Caldwell, E. B., late sheriff of Lincoln county, act for the benefit of.....	528
Caldwell, Junius, of Louisville, act for the benefit of	632
Caldwell county, act for the benefit of William Board, of	121
Caldwell county, act for the benefit of T. W. Pickering, of.....	354
Calhoon, act to authorize the trustees of the town of, to sell public ground in said town.....	336
Callaway, B., late sheriff of Harlan county, act for the benefit of	388
Calloway county, act for the benefit of	79
Campbell county, act to change the boundary of the district of Highlands, in	93
Campbell county, act for the benefit of the justices of the peace and constables, in...	208
Campbell county court, act to authorize the to make subscriptions to the capital stock of turnpike road companies,	343
Cane Ridge and Sharpsburg turnpike road company, act to charter the.....	490
turnpike road company, act to incorporate the	519
Cane Spring and Cox's creek turnpike road company, act to incorporate the.....	143
Capital, State, act enabling the citizens of Warren county to take steps inducing the location of the, in said county.....	381
Carlisle, Nicholas county, act amending the several acts relating to the town of.....	230

Carrsville Lodge, No. 387, A. Y. M., of Livingston county, act to incorporate.....	610
Carson, R., act for the benefit of.....	112
Cartter county, act to create an additional voting place in the Upper Tygert district, in	23
act to establish an additional voting place in district No. 3, in.....	25
act to change the boundary line between No. 7 and the Grayson pre- cincts, in.....	616
act for the benefit of Wm. T. Mobley, of.....	637
Cartter and Lewis counties, act to define the line between.....	622
Cartwright and Beechland turnpike road company, act to amend the charter of the..	518
Caseyville and Uniontown, in Union county, act to exempt from the road tax.....	500
Catlettsburg Brass Band, act to incorporate the	579
Cecil, A. W., act for the benefit of	265
Cedar Hill and Oakland Railway Company, act to incorporate the.....	553
Cemetery Company, Bardstown, act to incorporate the	194
Hopeful, act to incorporate the.....	192
Cemetery, Greenville Hill, of Woodford county, act to incorporate the.....	97
Center Point Meeting House, in Monroe county, act to incorporate the trustees of.....	13
Central Kentucky Gold Mining and Smelting Company, act to incorporate the.....	588
Christian Church at New Castle, act for the benefit of the.....	611
in Shelby county, act to authorize the trustees of the to sell the.....	613
Christiansburg Turnpike or Plank Road Company, act to amend act to incorporate..	511
Christ's Church in Columbus, Hickman county, act to incorporate.....	191
Church, Broadway Methodist Episcopal, South, of Louisville, act to incorporate the,	125
Christian, at New Castle, act for the benefit of the	611
Christian, in Shelby county, act to authorize the trustees of the, to sell the ..	613
Christ's, in Columbus, Hickman county, act to incorporate.....	191
Cumberland Presbyterian, act to incorporate the Green River Synod of the..	305
Methodist Episcopal, South, act to incorporate the Louisville Annual Confer- ence of the.....	126
Mulberry, in Shelby county, act for the benefit of the	613
New Chapel, in Hancock county, act authorizing the trustees of, to sell	614
Presbyterian, of Morgansfield, act to incorporate the board of trustees of the,	306
Regular Baptist, at Owenton, act to incorporate the.....	187
St. James', Pewee Valley, act to incorporate.....	122
White Baptist, at Cane Run, Fort Royal, act to incorporate the trustees of the.....	169
Citizens of Fayette county, act to protect the	215
Citizens' Insurance Company of Kentucky, act to incorporate the	372
Citizens of Josh Bell county, act for the benefit of.....	627
Citizens' Passenger Railway Company, act to amend act to incorporate the.....	571
Cincinnati, Covington, and Cumberland Gap Railroad Company, act to amend act to incorporate the.....	544
Cincinnati, Lexington, and East Tennessee Railroad Company, act to amend the char- ter of the.....	99
Cincinnati Mutual Health Assurance Company, act for the benefit of the	578
City Banking Company, of Campbell county, act to incorporate the	250
City of Columbus, act to amend the charter of the.....	152

INDEX.

645

City of Covington, act to authorize the, to copy certain records in the Kenton county court	344
Covington, act to amend the charter of the	427
Dayton, in Campbell county, act to amend the charter of the	316
Louisville, act to amend the charter of the	14
Louisville, act to amend the charter of the	14
Louisville, act to repeal act to amend the charter of the	128
Louisville, act amending the 11th section of the 5th article of the charter of the	406
Louisville, act to amend act to amend the charter of the	406
Louisville, act to amend the charter of the, authorizing issue of bonds to defray expenses in building a new jail	406
Louisville, act to extend the boundary line of the	407
Louisville, act for the benefit of the	408
Louisville, act for the benefit of the, and to amend the charter of the	410
Ludlow, act to amend the charter of	223
Newport, act to amend the charter of the	120
Newport, act to authorize the, to subscribe stock in certain railroads	120
Newport, act to extend the limits of the	220
Newport, act to amend the charter of the	426
Owensboro, act to authorize the, to subscribe railroad stock	186
Paducah, act to amend the charter of the	224
Paris, act to amend the charter of the	217
Clark county, act allowing the citizens of, to pass to and from church over the turnpike roads in said county	174
act to regulate the manner of having turnpike roads in, kept in order	176
act for the benefit of D. W. Parish, of	187
act to regulate partnership fences in	247
Clark and Madison turnpike company, act to incorporate the	131
Clerk of the Boyle circuit court, act for the benefit of the	628
Clifton Kentucky River Bridge Company, act to incorporate the	468
Clinton circuit court, act for the benefit of the	106
Clinton county, act for the benefit of J. F. Yates, police judge of	267
act establishing the 7th school district in	335
Clinton quarterly courts, act to change the time of holding the	349
Cloverport Association for the Improvement of the Breeds of Horses, act to incorporate the	587
Cloverport and Lower Cloverport, act to amend act to incorporate the towns of, into the town of Cloverport	226
Club, Kentucky, at Louisville, act to incorporate the	200
Club Louisville, of the city of Louisville, act to incorporate the	608
Club, Louisville Democratic, act to incorporate the	376
Club, Louisville Shooting, act to incorporate the	206
Club, Paducah Social, act to incorporate the	580
Coal Company, Southern Ohio, act to incorporate the	40
Coal, Iron, and Manufacturing Company, Hopkinsville, act to incorporate the	323
Coal and Wood Company, Woodford, act to incorporate the	245
Coffee, W. J., and his sureties, act for the benefit of	527

Cole, John G., of Madison county, act for the benefit of	635
Coleman, Daniel, act to authorize the assessor of Trigg county to employ, as assistant assessor in said county	92
College, Augusta, act to authorize the correction of the survey and grant to the trustees of	247
College, Franklin Female, act to incorporate the	164
College, Louisville, act to incorporate the	108
College, Smithfield, in Henry county, act to amend act to incorporate	92
Columbia Lodge, No. 1, Knights of the Crescent, act to incorporate	331
Columbus, act to amend the charter of the city of	152
Commonwealth's Attorney, act for the benefit of Hugh F. Finley	385
Concord and Tollsboro turnpike road company, act to incorporate the, and to levy a tax to aid in building said road	132
Conkin, John C., late clerk of the Monroe county court, act for the benefit of	349
Cook, James B., sheriff of Trimble county, act for the benefit of	149
Cook, Thomas, sheriff of Clay county, act for the benefit of	386
Cotton Growing and Manufacturing Company, act to incorporate the	592
Cotton Mill Company, Falls City, act to incorporate the	38
Kentucky, act to incorporate the	171
Louisville, act to incorporate the	37
Court, circuit, of Clinton, act for the benefit of the	105
Marion, act extending the time of the	317
Court of common pleas in Jefferson county, act to amend and construe the 4th section of the act to establish a	318
Courts, county, of Adair and Taylor, act for the benefit of the	627
Court, county, of Bracken, act to legalize the acts of the	341
Butler, act to authorize the to sell and convey the poor-house	345
Campbell, act to authorize the to make subscriptions to the capital stock of turnpike road companies	343
Crittenden, act authorizing the to change the State roads leading from Princeton to Weston and Ford's Ferry	369
Cumberland, act authorizing the to levy tax to pay off the county debts, and for other purposes	88
Fleming, act to authorize the to levy an ad valorem tax	620
Greenup, act for the benefit of	620
Hancock, act to authorize the to levy additional taxes	246
Hardin, act for the benefit of the	341
Jackson, act to authorize the signing of certain records of the	342
Lincoln, act for the benefit of the	622
Logan, act to authorize the to increase the county levy	342
Mercer, act to legalize certain acts of the	619
Ohio, act to authorize the to raise money to be used in building bridges and roads	621
Pendleton, act to authorize the to raise money to build bridges, &c.,	347
Pendleton, act to authorize the to borrow money to pay off the railroad debt of said county	619
Powell and Estill, act to authorize the to levy an additional tax	393
Rockcastle, act for the benefit of the	338

INDEX.

647

Court, county, of Shelby, act to authorize the to sell bonds of the county to pay debts of the county	346
Trimble, act to authorize the to subscribe stock in turnpike roads on certain conditions	342
Washington, act for the benefit of	340
Washington, act to authorize the to sell the poor-house	344
Washington, act to enable the to take stock in turnpike roads.....	492
Court, justices', in the city of Louisville, act to amend act authorizing the appointment of persons to serve process in the	405
Court of levy and claims, Lawrence county, act to legalize the action of the, at the November term, 1866	349
Courts, quarterly, in Clinton county, act to change the time of holding the.....	349
Court, quarterly, of Henry county, act to increase the jurisdiction of the, in criminal and penal causes.....	318
of Kenton, act to authorize the judge of the to appoint a special agent to execute process.....	394
Covington, act for the benefit of Oliver Fairchild, of the city of.....	185
act to authorize the city of to copy certain records in the Kenton county court.....	344
act to amend the charter of the city of.....	427
Covington Hotel Company, act to incorporate the.....	575
Covington precinct, in Oldham county, act to change the voting place in the	213
Cox, William, act to authorize, to keep a ferry on Licking river, in Morgan county...	541
Craig, N., act to provide for the settlement of the accounts of, late keeper of the penitentiary	317
Crittenden county, act to change the place of voting in election precinct No. 4, in... act to increase the jurisdiction of the police judge and town marshal of Dycusburg, in	212
Crittenden county court, act authorizing the to change the State roads leading from Princeton to Weston and Ford's Ferry.....	369
Crittenden, Grant county, act to amend the charter of the town of.....	463
Crouch, Harrison, and Green C. Hardin, of Washington county, act for the benefit of	354
Cumberland county court, act authorizing the to levy tax to pay off county debts, and for other purposes	88
Cumberland river at Edlyville, act to establish a ferry across the.....	540
Damron, S. K., act for the benefit of.....	633
Danville, act to extend the limits of the town of, and amend the charter of.....	225
Darlington, George W., of Greenup county, act for the benefit of	301
Daviess county, act for the benefit of Jo. Thomas, trustee of the jury fund of.....	148
Davis, J. Wash., sheriff of Jefferson county, act for the benefit of.....	57
Dayton, in Campbell county, act to amend the charter of the town of	316
Dayton and Four Mile turnpike road company, in Campbell county, act to incorporate the	519
Deposit Bank of Georgetown, act to amend the charter of the.....	183
Deposit Bank of Midway, act to incorporate the	543
Deposition, proof by, in the Jefferson court of common pleas, act to provide for taking	542

Dishman, John, act for the benefit of.....	637
District No. 3, act to divide, and to establish district No. 7, in Johnson county	211
Dividing Ridge turnpike road company, in Mason county, act to incorporate the	514
Dixon, John, and Alfred Sumner, trustees of school district No. 13, in Trigg county, act for the benefit of	85
Dover, in Mason county, act to amend the charter of the town of	215
Drinking-houses, public, in Hart county, act concerning act to suppress, allowing the people of said county to vote on the repeal of said act.....	594
Duncan, C. A., late sheriff of Calloway county, act for the benefit of	249
Duncan, John W., sheriff of Wayne county, act for the benefit of	537
Dycusburg, in Crittenden county, act to increase the jurisdiction of the police judge and town marshal of	266
Dyer, James J., of Hart county, act for the benefit of.....	630
Eagle creek, a navigable stream, act to repeal act declaring	148
Earnest, R. H., late sheriff of Simpson county, act for the benefit of.....	530, 533
Eastham, John C., sheriff of Boyd county, act for the benefit of	534
Eaton, Wm. J., late constable of Whitley county, act for the benefit of	387
Ellis, Samuel, sheriff of Lewis county, act for the benefit of.....	351
Elizabethtown, act to repeal the charter and reincorporate the town of.....	57
act concerning Samuel Haycraft's enlargement to	300
Elizabethtown and Owensboro railroad company, act to incorporate the	545
Eminence and Fox Run turnpike road company, act to incorporate the	493
Eminence and Franklinton turnpike road company, act to incorporate the	522
Eminence and Mulberry turnpike road company, act amendatory of an act to incor- porate the	145
Estate of W. F. Evans, act for the benefit of	147
Estill county, act regulating justices' district No. 1, of	213
Evans, J. C., act for the benefit of.....	77
Evans, W. F., act for the benefit of the estate of	147
Evansville, Henderson, and Nashville railroad company, act to amend act to incorpo- rate the	1
Fairchild, Oliver, of the city of Covington, act for the benefit of.....	185
Falls City Cotton Mill Company, act to incorporate the	38
Falls City Lodge, No. 376, F. A. M., act to incorporate	174
Falls City and Ohio River Packet Company, act to incorporate the.....	264
Falmouth Hydraulic, Mining, Lumber, and Manufacturing Company, act to incorpo- rate the	258
Faris and McLean, act for the benefit of	383
Fayette county, act to change the place of voting in the sixth district of.....	130
Fayette county, act to protect the citizens of	215
Fees of assessors, act to increase the	541
Fence Company, Henderson Horse-shoe Bend, of Henderson county, act to incorpo- rate the	253
Ferry across the Cumberland river at Eddyville, act to establish a	540
Finley, Hugh F., Commonwealth's attorney, act for the benefit of	385
Firquire, Woodson, of Adair county, act for the benefit of.....	120
First Gold Mining and Smelting Company of Kentucky, act to incorporate the	590
Fishback Mining and Manufacturing Company, act to incorporate the	257

INDEX.

649

Fitch Lodge, No. 309, F. A. A. Y. M., in the county of Hardin, act to incorporate---	241
Flat creek precinct, in Grant county, act to repeal act in relation to-----	210
Flatwoods turnpike road company, act to incorporate the -----	365
Fleming county, act for the benefit of school district No. 16, in-----	150
act for the benefit of school district No. 6, in -----	336
act to repeal act for the benefit of -----	339
court, act to authorize the, to levy an <i>ad valorem</i> tax -----	620
Fleming County Seminary, act to amend act for the benefit of the -----	612
Flemingsburg, act to repeal section 1 of act to amend and reduce into one the several	
acts incorporating the town of-----	225
act to amend act to amend and reduce into one the several acts to in-	
corporate and relating to the town of-----	299
act to amend act to amend and reduce into one the acts to incorporate	
the town of -----	388
and Elizaville turnpike road company, act to amend the charter of the,	146
and Mayslick turnpike road company, act to amend the charter of the,	106
and Mount Carmel turnpike road company, act to amend act to incor-	
porate the -----	394
Florence and Anderson's Ferry turnpike company, act to incorporate the -----	489
Florence Pottery Company, act to incorporate the-----	261
Floyd county, act to change the boundary line of the Prestonsburg voting precinct	
and magistrates' district, in -----	210
act to establish an additional voting district in -----	211
act for the benefit of -----	339
Foster, act to prohibit the sale of intoxicating liquors in the town of-----	462
Franklin, act to amend act to appoint trustees for the town of, in the county of Simp-	
son -----	153
Franklin county, act to create and regulate the office of county treasurer for-----	624
Franklin Female College, act to incorporate the -----	164
Fulton Lodge, No. 120, F. A. M., act to incorporate -----	267
Furniture Manufacturing Company, Louisville, act to amend act to incorporate the--	116
Furniture Manufacturing Company, Southwestern, act to incorporate the -----	203
Gaither, Thomas, of Mason county, act for the benefit of-----	184
Gallatin county, act to repeal act to attach a portion of Grant county to-----	15
Gallatin county, act for the benefit of -----	338
Garrard county, act to change the voting place in the Brandy Springs precinct, in--	87
Garrard County and Kirksville turnpike road company, act to incorporate the-----	510
Garriott, Evan M., act for the benefit of -----	15
Gas Company, Louisville, act to amend act to extend the charter of the-----	206
Geologist, Assistant State, act to authorize a settlement of accounts with Sidney S.	
Lyon, late -----	381
Georgetown, act to amend act to amend and reduce within one the several acts re-	
lating to the town of-----	461
German's Savings Bank of Covington, act to incorporate the -----	47
Germantown, act to amend the charter of the town of -----	454
Gilford, Elizabeth, act for the benefit of-----	634
Glasgow Railroad Company, act to incorporate the-----	309
Glenville and Mount Zion turnpike road company, act to incorporate the-----	179
Glover, J. M., Jas. S. Evans, and others, of Montgomery county, act for the benefit of,	184

Gold Mining and Smelting Company, Central Kentucky, act to incorporate the.....	588
First, of Kentucky, act to incorporate the.....	590
Gordonsville, act to amend the charter of the town of	237
Gorin, Willie M., act for the benefit of.....	385
Grant county, act to repeal act in relation to Flat Creek precinct, in	210
act for the benefit of school district No. 25, in.....	334
Grant to Gallatin county, act to repeal act to attach a portion of.....	15
Grayson precinct and No. 7, in Carter county, act to change the boundary line between the.....	616
Great Crossings and Stamping Ground turnpike road, act to enable the Scott county court to purchase the.....	142
Green and Barren River Navigation Company, act to incorporate the	599
Green county court, act for the benefit of Robert Marshall, late clerk of the	629
Green River Synod of the Cumberland Presbyterian Church, act to incorporate the...	305
Green and Taylor County turnpike road company, act for the benefit of the	11
Greenup county, act to amend act to change the road law in	90
act for the benefit of George W. Darlington, of.....	301
Greenup county court, act for the benefit of	620
Greenup county, act for the benefit of John Y. Wooldridge, of.....	631
Greenupsburg, act to amend the charter of the town of	393
Greenville Hill Cemetery, of Woodford county, act to incorporate the.....	97
Greenville Seminary, act authorizing a settlement with the, and to appoint other trustees.....	94
Grundy, act to repeal act to prevent the sale of spirituous, malt, or vinous liquors in the town of, in Pulaski county.....	461
Gustav Adolph Lodge, No. 5, American Protestant Association, of Louisville, act to incorporate	244
Hall, James H., sheriff of Powell county, act for the benefit of.....	530
Hambleton, James A., late sheriff and county clerk of Breckinridge county, act for the benefit of the deputies and legal representatives of.....	387
Hampton, W. O., clerk of the Boyd circuit and county courts, act for the benefit of...	266
Hancock county, act for the benefit of the sheriff of	353
act for the benefit of Lewis T. Holmes, of.....	630
act for the benefit of William Rial, of	635
Hancock county court, act to authorize the to levy additional taxes.....	246
Hardin, Green C., and Harrison Crouch, of Washington county, act for the benefit of	354
Hardin county court, act for the benefit of the	341
Hardin county, act for the benefit of school districts Nos. 22, 69, and 50, in.....	615
act for the benefit of the Board of Sinking Fund Commissioners for...	625
Hardinsville, Shelby county, act to amend the charter of.....	216
Hardyville, act to legalize the acts of the police judge, town marshal, and certain trustees of the town of.....	458
Harlan county, act to create an additional justices' district and voting precinct in ..	316
Harney, John H., act for the benefit of the representatives of	185
Harris, B. R., of McCracken county, act for the benefit of.....	86
Harrison County Academy, act to amend act concerning the.....	155
Harrisonville and Boyd Shop turnpike road company, act to charter the	499
Harrodsburg and Cornishville turnpike road company, act supplemental to an act to incorporate the.....	487

INDEX.

651

Harrodsburg Library Institute , act to incorporate the.....	93
Hart , Solomon, deceased, act for the benefit of	382
Hart county , act concerning act to suppress public drinking-houses in, allowing the people to vote on the repeal of said act	594
act for the benefit of James D. Dyer, of.....	630
Hart county court , act for the benefit of K. Jameson, late judge of the	629
Haycraft , Samuel, act concerning his enlargement to Elizabethtown	300
Haysville and Lebanon magistrates' and voting districts, in Marion county, act to change the line between the.....	618
Henderson county , act for the benefit of Alfred Taylor Biggs, of	56
Henderson Horse-Shoe Bend Fence Company , of Henderson county, act to incorporate the	253
Henderson Running Park Association , act to incorporate the	603
Hendricks , J. P., justice of the peace of Muhlenburg county, act for the benefit of....	185
Henry county , act to increase the jurisdiction of the quarterly court of, in criminal and penal causes.....	318
Herrin , William, sheriff of Fulton county, act for the benefit of.....	24
Hickman county , act for the benefit of W. M. Samuels, of.....	303
Hickman Marine Railway and Dock Company , act to repeal act to incorporate the....	77
Highlands , district of, in Campbell county, act to change the boundary of the.....	93
Hillsboro and Wyoming turnpike road company , act to amend act to incorporate the..	500
act to amend act to incorporate the.....	512
Hinkleville , in Ballard county, act to incorporate the town of.....	269
Hinkston turnpike road company , act to incorporate the.....	524
Hiseville , in Barren county, act to charter the town of.....	214
Hodgenville , act for the benefit of the town of.....	224
act to amend the charter of the town of.....	225
Hodgenville and Elizabethtown turnpike road company , act to incorporate the.....	478
Hodgenville and Muldrough's Hill turnpike road company , act to incorporate the....	480
Hogg , James W., sheriff of Letcher county, act for the benefit of	350
Holladay , J. H., and others, act for the benefit of.....	86
Holmes , Lewis T., of Hancock county, act for the benefit of.....	630
Home Industrial Works , act to incorporate the	7
Hopeful Cemetery Company , act to incorporate the.....	192
Hopewell and Bethlehem turnpike road company , act to amend the charter of the ..	518
Hopkins county , act for the benefit of Sciatha Beshears, of.....	147
act for the benefit of O. Waddill, of.....	383
Hopkinsville , act giving the town of, the right to subscribe stock in turnpikes.....	106
Hopkinsville Building Company , act to incorporate the.....	198
Hopkinsville Coal, Iron, and Manufacturing Company , act to incorporate the.....	323
Hopkinsville and Morgantown roads , in Logan county, act to authorize the Logan county court to change the location of the.....	83
Hopkinsville road to Mayfield , act to establish a new road from	362
Hopkinsville to Columbus , act to change the State road leading from.....	496
Hopkinsville Warehouse and Inspection Company , act to incorporate the.....	377
Hospital , Woman's, of the State of Kentucky, act to charter the.....	262
Hotel Company , Covington, act to incorporate the	575
Howard , B. F., sheriff of Magoffin county, act for the benefit of.....	386

Hughey, Richard J., late county and circuit clerk of Bracken county, act for the benefit of	186
Humphrey, Simon, act for the benefit of	383
Hurt, Young E., late sheriff of Adair county, act for the benefit of	533
Hustonville and Nealy's Gap turnpike road company, act to amend act incorporating the	364
Hydraulic Mining, Lumber, and Manufacturing Company, Falmouth, act to incorporate the	258
Independence, in Kenton county, act to amend the charter of the town of	152
Independence and Big Bone turnpike company, act to amend the charter of the	307
Independence and Colemansville turnpike road company, act to amend the charter of the	526
Industrial Works, Home, act to incorporate the	7
Insurance Company, Aurora Fire, act to incorporate the	638
Citizens', of Kentucky, act to incorporate the	372
Kentucky Life, act to incorporate the	326
Louisville Fire and Marine, act to incorporate the	71
Underwriters' Life, act to incorporate the	27
Institute, Browder, in Logan county, act to incorporate the	102
Harrodsburg Library, act to incorporate the	93
Lynn Land Female, act to amend the charter of the	54
McRay, in Whitesville, Davies county, act to incorporate	127
Morganfied Male and Female Collegiate, act to incorporate the	156
Parkersville, in Lyon county, act to incorporate the	111
Windsor Female, act to incorporate	41
Institute of Learning, Kendrick, in Wayne county, act to charter the	321
Iron Hills Railway Company, act to incorporate the	371
Iron Manufacturing Company, Paducah, act to incorporate the	379
Iron Moulders' Union, No. 18, of the city of Louisville, act to incorporate the	202
Jackman, W. T., late sheriff of Russell county, act for the benefit of	149
Jackson county court, act to authorize the signing of certain records of the	342
Jackson county, act for the benefit of school district No. 7, in	615
Jacobs, J. A., act for the benefit of	355
Jailer of Trimble county, act for the benefit of John B. Pierce	148
James, H. A., of Butler county, act for the benefit of	635
James, H. F., sheriff of Mercer county, act for the benefit of	352
Jameson, B. F., sheriff of Hart county, act for the benefit of	530
Jameson, K., late judge of the Hart county court, act for the benefit of	629
Janitor of the court-house of Jefferson county, act for the benefit of the	625
Jefferson and Brownsboro turnpike road company, act to amend the charter of the	11
Jefferson county, act to amend and construe the 4th section of the act to establish a court of common please in	318
Jefferson county, act for the benefit of the janitor of the court-house of	625
Jefferson Southern Pond Draining Company, act to amend act to incorporate the	597
Johnson, H. S., of Larue county, act for the benefit of	130
Johnson, James L., and his wife, Harriet Johnson, act to repeal section 17, chapter 47, article 4, of the Revised Statutes, as to a sale and conveyance made by	12
Johnson, James W., late sheriff of Rowan county, act for the benefit of	540

INDEX.

653

Johnson, Leslie, late sheriff of Letcher county, act for the benefit of.....	532
Johnson county, act to repeal act to divide district No. 3, and to establish district No. 7, in	211
Johnston Lodge, No. 294, F. A. M., in Breckinridge county, act to incorporate.....	242
Joint Stock Agricultural and Mechanical Association, of Madison county, act to amend act for the benefit of the	104
Jolly, Thomas J., late sheriff of Breckinridge county, act for the benefit of.....	387
Jones, G. S., sheriff of Marshall county, act for the benefit of.....	526
Jones, G. S., of Marshall county, act for the benefit of	634
Josh Bell county, act for the benefit of school district No. 26, in	403
Josh Bell county, act for the benefit of the citizens of	627
Judge, county, of Union, act for the benefit of.....	300
presiding, of the Hardin county court, act for the benefit of H. G. V. Winter-smith, late	83
presiding, of McLean county, act for the benefit of D. Little, late	337
of the Wolfe county and quarterly courts, act for the benefit of Levi Kash....	301
Justices' district No. 1, of Estill county, act regulating.....	213
in the county of Mason, act to amend act to establish two additional, and voting precinct in Harlan county, act to create an additional....	209
and voting precinct in McLean county, act to create an additional ..	316
and voting precincts in Morgan county, act to establish two addition-al	117
al	404
Justices' and voting precinct in Marshall county, act to establish an additional	208
Justices of the peace and constables in Campbell county, act for the benefit of the...	208
Kash, Levi, judge of the Wolfe county and quarterly courts, act for the benefit of...	301
Kendrick Institute of Learning, in Wayne county, act to charter the	321
Kenton county, act for the benefit of John Mackoy, of.....	384
act in relation to the sale of real estate under execution in	404
act for the benefit of P. H. Ryan, of.....	636
Kenton quarterly court, act to authorize the judge of the, to appoint a special agent to execute process	394
Kenton Savings Bank of Covington, act to incorporate the.....	34
Kentucky Club, at Louisville, act to incorporate the.....	200
Kentucky Cotton Growing and Manufacturing Company, act to incorporate the.....	592
Kentucky Cotton Mill Company, act to incorporate the.....	171
Kentucky Industrial and Emigration Association, act to amend the charter of the ..	591
Kentucky Land Company, act to amend the charter of the	375
Kentucky Lead Company, act to amend the charter of the.....	6
Kentucky Life Insurance Company, act to incorporate the	326
Kentucky Vinegar Company, act to incorporate the.....	609
Kincheloe, Almanzo, late sheriff of Spencer county, act for the benefit of.....	538
Kirby, John W., late sheriff of Gallatin county, act for the benefit of.....	353
Lafayette, in Christian county, act to amend the charter of the town of.....	299
Lagrange, act to amend act to reduce into one the several acts concerning the town of, Lancaster and Crab Orchard turnpike road company, act to repeal act for the benefit of the, &c.....	118
of the, &c.....	491
Lancaster and Sugar Creek turnpike road company, act to incorporate the	138
Land Company, Kentucky, act to amend the charter of the.....	375
Larue, Martha, of Larne county, act for the benefit of	634

Larue county, act for the benefit of Edward Smith, of	115
act for the benefit of H. S. Johnson, of	130
act for the benefit of Martha Larue, of	634
Laurel county and circuit courts, act for the benefit of John Pitman, late	301
Lawrence county court of levy and claims, act to legalize the action of the, at the November term, 1866	340
Layne, A. S., and Mahlen Leggett, act for the benefit of	636
Lead Company, Kentucky, act to amend the charter of the	6
Leggett, Mahlen, and A. S. Layne, act for the benefit of	636
Lewis county, act to change the line between the Tollsboro and Esculapia voting precincts, in	214
Lewis and Carter counties, act to define the line between	622
Lewis and Mason County turnpike road company, act to incorporate the	355
Lexington, Harrodsburg, and Perryville turnpike road company, act to amend the charter of the	509
Lexington Lyceum Society, act to incorporate the	591
Lexington and Richmond Railroad Company, act to amend the charter of the	2
Library Association of Louisville, act to incorporate the	25
Library Company, Ashland, act to incorporate the	595
Licking river, act to improve the navigation of	472
act declaring the North Fork of a navigable stream	473
in Morgan county, act to authorize William Cox to keep a ferry on	541
Licking and Wyoming turnpike road company, act to incorporate the	358
Lincoln county court, act for the benefit of the	622
Lincoln and Pulaski counties, act authorizing the to subscribe stock in a turnpike road	508
Line between the counties of Mason and Robertson, act to change the	207
Linden, James W., sheriff of Breathitt county, act for the benefit of	537
Little, D., late presiding judge of McLean county, act for the benefit of	337
Litton, Elijah, late sheriff of Whitley county, act for the benefit of	539
Livingston county, act to change the voting place in precinct No. 2, in	617
L. M. Cox Lodge, No. 327, F. A. M., in Christian county, act to incorporate	243
Lodge, Big Spring, No. 162, I. O. O. F., act to incorporate	331
Cadiz, No. 159, I. O. O. F., act to amend act to incorporate	116
Carrsville, No. 387, A. Y. M., of Livingston county, act to incorporate	610
Columbia, No. 1, Knights of the Crescent, act to incorporate	331
Falls City, No. 376, F. A. M., act to incorporate	174
Fitch, No. 309, F. A. A. Y. M., in the county of Hardin, act to incorporate	241
Fulton, No. 120, F. A. M., act to incorporate	267
Gustav Adolph, No. 5, American Protestant Association, of Louisville, act to incorporate	244
Johnston, No. 294, F. A. M., act to incorporate	242
L. M. Cox, No. 327, F. A. M., in Christian county, act to incorporate	243
Mayo, No. 198, F. A. M., of Campbell county, act to incorporate	332
Mountain, No. 187, F. A. M., act for the benefit of	173
Russellville, No. 17, A. Y. M., act to incorporate	239
T. C. Cecil, No. 375, A. Y. M., act to incorporate	611
Tompkins, No. 178, F. A. M., act to incorporate	173
Waco, No. 338, F. A. M., act to incorporate	238

INDEX.

655

Logan, Zebulon, No. 273, F. A. M., act to incorporate the	241
Logan county court, act to authorize the to change the location of the Hopkinsville	
and Morgantown road,	83
act to authorize the to increase the county levy	342
London, Laurel county, to Booneville, Owsley county, act to establish a road from	84
act for the benefit of the citizens of the town of	389
Loretto, in Marion county, act to amend the charter of the town of	260
Louisville, act to amend the charter of the city of	14
act to amend the city charter of	14
act to repeal act to amend the charter of the city of	128
act in relation to the measurement of brick-work in the city of, and	
county of Jefferson	152
act amending the 11th section of the 5th article of the charter of the city	
of	405
act to amend act authorizing the appointment of persons to serve process	
in the justices' court in the city of	405
act to amend act to amend the charter of the city of	405
act to amend the charter of the city, authorizing issue of bonds to defray	
expenses in building a new jail	406
act to extend the boundary line of the city of	407
act for the benefit of the city of	408
act for the benefit of the city of, and to amend the charter of	410
act for the benefit of Junius Caldwell, of	632
Louisville Annual Conference of the Methodist Episcopal Church, South, act to in-	
corporate the	126
Louisville Burial Association, act to amend act to incorporate the	207
Louisville Club, of the city of Louisville, act to incorporate the	608
Louisville College, act to incorporate the	108
Louisville Cotton Mill Company, act to incorporate the	37
Louisville Democratic Club, act to incorporate the	376
Louisville Fire and Marine Insurance Company, act to incorporate the	71
Louisville Furniture Manufacturing Company, act to amend act to incorporate the ..	116
Louisville Gas Company, act to amend act to extend the charter of the	206
Louisville, Harrodsburg, and Virginia railroad, act to incorporate the	555
Louisville Ladies' Widows and Orphans' Home Society, act to incorporate the	121
Louisville and Nashville railroad company, act to amend the charter of the	198
Louisville Shooting Club, act to incorporate the	205
Louisville and Taylorsville turnpike road company, act to continue in force an act to	
amend the charter of the	175
Lowell and Spoonville turnpike road company, act to amend the charter of the	507
Ludlow, act to amend the city charter of	223
Lynn Land Female Institute, act to amend the charter of the	54
Lyon, Sydney S., late Assistant State Geologist, act authorizing a settlement of ac-	
counts with	381
Lyon county, act to allow the sheriff of, to distrain for taxes uncollected	532
Mackoy, John, of Kenton county, act for the benefit of	384
Mackville, in Washington county, act to amend the charter of the town of	233
Madison county, act for the benefit of John G. Cole, of	635
Madisonville, act amending the charter of the town of	153

Magistrates' district in Ohio county, act to establish an additional.	617
Magoffin circuit court, act for the benefit of J. M. Atkeson, clerk of the.....	628
Magoffin county, act for the benefit of B. F. Howard, sheriff of	386
Mansville, in Taylor county, act to amend the charter of the town of.....	455
Manufacturing and Mining Company, Washington, act incorporating the.....	325
Marion circuit court, act extending the time of the.....	311
Marion county, act to change the line between the Haysville and Lebanon magistrates' and voting districts, in	618
Marion and New Liberty turnpike road company, act to incorporate the.....	139
Marksbury, John S., late sheriff of Grant county, act for the benefit of	535
Marshall, Robert, late clerk of the county court of Green county, act for the benefit of	629
Marshall county, act to establish an additional justices' and voting precinct in.....	208
act for the benefit of G. S. Jones, of.....	634
Martha Mills and Blue Lick turnpike road company, in Fleming county, act to incorporate the	502
Mason county, act for the benefit of Thomas Gaither, of.....	184
act for the benefit of Sarah A. and Julia G. Burton, of	186
act to amend act to establish two additional justices' districts in.....	209
Mason and Robertson counties, act to change the county line between.....	207
Massie's Mill turnpike road company, act to incorporate the	364
Maxville, Millersburg, and Beech Fork turnpike road company, act for the benefit of the	477
Mayo Lodge, No. 198, F. A. M., of Campbell county, act to incorporate.....	332
Mayslick, act changing the place of voting in the town of	616
Mayslick and Murphysville precincts, act to change the boundary line between	130
Maysville Trotting Park Association, act to incorporate the	51
McAlister, Robert, late sheriff of Greenup county, act for the benefit of.....	87
McCracken county, act for the benefit of B. R. Harris, of.....	86
act to change the voting place in district No. 6, in.....	212
McLean county, act to create an additional justices' district and voting precinct in	117
McLean and Faran, act for the benefit of.....	383
McRay Institute, in Whitesville, Daviess county, act to incorporate	127
McWhorter, James B., late sheriff of Taylor county, act for the benefit of the sureties of	351
Mercer county, act to amend act allowing school districts to levy a district school tax for the benefit of school district No. 20, in	336
act for the benefit of precinct No. 8, in.....	617
Mercer county court, act to legalize certain acts of the.....	619
Metcalfe county, act to redistrict and arrange the voting places in.....	75
Metcalfe county court, act for the benefit of Thomas E. Young, late clerk of the.....	628
Middletown, act for the benefit of the town of	453
act to amend the charter of the town of.....	457
Milburn, act to extend the corporate limits of the town of, in Ballard county.....	273
Miller, D. C., of Adair county, act for the benefit of	120
Milling and Manufacturing Company, Allensville, act supplemental or amendatory to an act to incorporate the.....	581
Mills, Benoni, late sheriff of Wayne county, act for the benefit of	386

INDEX.

657

Mining Company, Anderson, act to incorporate the	91
Regent, act to incorporate the	96
Mining and Manufacturing Company, Broadhead, in Rockcastle, Laurel, and Whitley	
counties, act to incorporate the	256
Fishback, act to incorporate the	257
Mobley, William T., of Carter county, act for the benefit of	637
Monroe county, act to incorporate the trustees of Center Point Meeting-house, in	13
act creating the 49th school district in	334
Monroe county court, act for the benefit of John C. Conkin, late clerk of the	349
Montgomery county, act for the benefit of J. M. Glover, Jas. S. Evans, and others, of	184
Monument over the grave of the late Lazarus W. Powell, act to erect a	541
Morgan, Charles and John, of Muhlenburg county, act for the benefit of	16
Morgan county, act for the benefit of	85
act to change the voting place in precinct No. 8, in	212
act to establish two additional justices' districts and voting precincts	
in	404
Morganfield Male and Female Collegiate Institute, act to incorporate the	156
Morjan, W. W., late sheriff of Oldham county, act for the benefit of	56
Morrison, John A., sheriff of Clinton county, act giving further time to, to execute	
bond	532
Morton, A. L., circuit court clerk of Ohio county, act for the benefit of	349
Mountain Lodge, No. 187, F. A. M., act for the benefit of	173
Mount Carmel, in Fleming county, act to extend the limits of the town of	16
Mount Sterling and Levee turnpike road company, act for the benefit of the	512
Mount Washington, act to extend the limits of the town of	299
Muhlenburg county, act for the benefit of Charles and John Morgan, of	16
act for the benefit of J. P. Hendricks, justice of the peace, of	185
act to suspend act requiring county courts to have fire-proof	
vaults, so far as the same applies to	627
Mulberry Church, in Shelby county, act for the benefit of the	613
Muldrough's Hill Turnpike Road and Bridge Company, act to fix and regulate the	
tolls at the gate of the	397
Mullens, William, former sheriff of Wayne county, act for the benefit of	352
Munfordville, act to amend act to amend the charter of the town of	459
Murphysville and Mayslick precincts, act to change the boundary line between	130
Mutual Benevolent and Police Union, No. 1, of Kentucky, act to incorporate the	201
Myers, Wm. C., and Patrick Napier, late sheriffs of Casey county, act for the benefit	
of	529
Navigable stream, act to repeal act declaring Eagle creek a	148
Navigation Company, Green and Barren River, act to incorporate the	599
Navigation of Licking river, act to improve the	472
New Castle and Carrollton turnpike road company, act for the benefit of the	175
New Chapel Church, in Hancock county, act authorizing the trustees of to sell	614
New Concord, in Calloway county, act to incorporate the town of	390
New Haven, in Nelson county, act to amend the charter and extend the boundaries of	
the town of	23
New Liberty, in Owen county, act for the benefit of the town of	337

Newport, act to authorize the city of, to subscribe stock in certain railroads	129
act to amend the charter of the city of	129
act to extend the limits of the city of	220
act to amend the charter of the city of	426
Newport and Cincinnati Bridge Company, act to amend the charter of the	30
Newport and Covington Water-works Company, act to incorporate the	572
Newport Newspaper Company, act to incorporate the	188
Newspaper Company, Newport, act to incorporate the	188
Nicholas county, act for the benefit of certain turnpike roads in	507
Nicholasville, act to amend the charter of the town of	298
Nickell, A. W., sheriff of Johnson county, act for the benefit of	250
Nickell, Alex. W., sheriff of Johnson county, act for the benefit of	534
North Fork of Licking river, act declaring the a navigable stream	472
Odd Fellows' Mutual Life Assurance Association, of Louisville, act to incorporate the	196
Officers, act for the benefit of certain late	302
Officers of Pike and Letcher counties, act for the benefit of certain	623
Ohio county, act for the benefit of A. L. Morton, circuit court clerk of	349
act to establish an additional magistrates' district in	617
Ohio county court, act to authorize the to raise money to be used in building bridges and roads	621
Oldham county, act to change the voting place in the Covington precinct, in	213
act to change the voting place in the Rollington precinct, in	616
Osceola, in Green county, act to incorporate the town of	449
Owensboro, act to authorize the city of, to subscribe railroad stock	183
Owingsville, Bath county, act to extend the corporate limits of the town of	458
Packet Company, Falls City and Ohio River, act to incorporate the	264
Paducah and Cairo, act to incorporate the	605
Paducah, act to amend the charter of the city of	224
Paducah and Cairo Packet Company, act to incorporate the	605
Paducah and Cairo railroad company, act to charter the	80
Paducah and Illinois Bridge Company, act to incorporate the	159
Paducah Iron Manufacturing Company, act to incorporate the	379
Paducah Library and Literary Association, act to incorporate the	167
Paducah and North Ballard turnpike road company, act to incorporate the	124
Paducah Social Club, act to incorporate the	580
Paint Lick, Walnut Meadow, and Big Hill turnpike road company, act to amend act to incorporate the	511
Paris, city of, act to repeal act to amend and add to an act to authorize the, to raise by taxation a fund for the support of public schools	88
act to amend the charter of the city of	217
Paris, Versailles, and Danville railroad company, act to incorporate the	559
Parish, D. W., of Clark county, act for the benefit of	187
Parkersville Institute, in Lyon county, act to incorporate the	111
Partnership fences in Clark county, act to regulate	247
Patrick, A. B. late clerk of the Breathitt circuit and county courts, act for the benefit of	302
Pendleton county, act to restore David R. Boner to the right of citizenship, of	632

Pendleton county court, act to authorize the to borrow money to pay off the railroad debt of said county.....	619
act to authorize the to raise money to build bridges, &c.....	347
Penitentiary, act to provide for the settlement of the accounts of N. Craig, late keeper of the.....	317
Perryville and Union Meeting-house turnpike road company, act to amend and revive the charter of the.....	483
Peters, John, late sheriff of Owsley county, act for the benefit of.....	24
Pewee Valley Building Association, act to incorporate the.....	585
Phelps, Westley, sheriff of Bullitt county, act for the benefit of.....	303
Philomathean Literary Society of the Western University, act to incorporate the.....	586
Phoenix Bank of Kentucky at Louisville, act to incorporate the.....	45
Phoenix Hotel, act for the benefit of J. F. Robinson, agent of.....	637
Pickens, John G., late sheriff of Clinton county, act for the benefit of the securities of.....	111
Pickering, T. W., of Caldwell county, act for the benefit of.....	354
Pickett, George W., sheriff of Adair county, act for the benefit of.....	538
Pierce, John B., jailer of Trimble county, act for the benefit of.....	148
Pike and Letcher counties, act for the benefit of certain officers of.....	623
Piles, Samuel H., sheriff of Livingston county, act for the benefit of.....	537
Pitman, John, late clerk of the Laurel county and circuit courts, act for the benefit of.....	301
Place of voting in the sixth district of Fayette county, act to change the.....	130
Platonian Literary Society of Louisville, act to incorporate the.....	206
Pleasureville, Bethlehem, and Kentucky River turnpike company, act to amend act to incorporate the.....	80
Police Union, Mutual Benevolent, No. 1, of Kentucky, act to incorporate the.....	201
Pond Draining Company, Jefferson Southern, act to amend act to incorporate.....	597
Poplar Plains, in Fleming county, act to amend the charter of the town of.....	453
Pottery Company, Florence, act to incorporate the.....	261
Powell and Estill county courts, act to authorize the to levy an additional tax.....	393
Powell, Lazarus W., act to erect a monument over the grave of the late.....	541
Precinct No. 8, in Mercer county, act for the benefit of.....	617
Presbyterian Church of Morganfield, act to incorporate the board of trustees of the.....	306
Presbyterian Female School of the city of Louisville, act to amend act to incorporate the.....	110
Prestonsburg, act to amend section 14 of act to incorporate the town of.....	272
Prestonsburg voting precinct and magistrates' district, in Floyd county, act to change the boundary line of the.....	210
Price, Edward R., sheriff of Todd county, act for the benefit of.....	535
Proof by deposition in the Jefferson court of common pleas, act to provide for taking, &c.....	542
Protective Brick-layers' Union, No. 1, city of Louisville, act to incorporate the.....	607
Providence, act to amend act to incorporate the town of, in Webster county.....	457
Public Printer, act for the benefit of the representatives of John H. Harney, late.....	185
Pulaski county, act for the benefit of the sheriff of.....	385
Pulaski and Lincoln counties, act authorizing the, to subscribe stock in a turnpike road.....	508
Puyear, R. E., act for the benefit of.....	384

Quirk's Run and Nevada turnpike road company, act to incorporate the	114
Rader, William, sheriff of Jackson county, act for the benefit of	110
Railroad, Barren County, act to raise subscription to the	42
Railroad Company, Cincinnati, Covington, and Cumberland Gap, act to amend act to incorporate the	544
Cincinnati, Lexington, and East Tennessee, act to amend the charter of the	99
Elizabethtown and Owensboro, act to incorporate the	545
Evansville, Henderson, and Nashville, act to amend act to incorporate the	1
Glasgow, act to incorporate the	309
Lexington and Richmond, act to amend the charter of the	2
Louisville, Harrodsburg, and Virginia, act to incorporate the	555
Louisville and Nashville, act to amend the charter of the	198
Paducah and Cairo, act to charter the	80
Paris, Versailles, and Danville, act to incorporate the	559
St. Louis, Shawneetown, and Madisonville, act chartering the	310
Railway Company, Cedar Hill and Oakland, act to incorporate the	553
Citizens' Passenger, act to amend act to incorporate the	571
Iron Hills, act to incorporate the	371
Railway and Dock Company, Hickman Marine, act to repeal act to incorporate the	77
Real estate under execution in Kenton county, act in relation to the sale of	404
Rebekah's Benevolent Society of Covington, act to incorporate the	577
Reed, James H., sheriff of Metcalfe county, act for the benefit of	531
Regent Mining Company, act to incorporate the	96
Retort, Fire-brick, and Tile Company, Ashland, act to incorporate the	5
Revised Statutes, act to repeal section 17, chapter 47, article 4, of the, as to a sale and conveyance made by Hon. James L. Johnson and his wife, Harriet Johnson,	12
Rial, William, of Hancock county, act for the benefit of	635
Richmond and Big Hill turnpike road company, act to amend act incorporating the	112
Richmond and Irvine turnpike road and its franchises and privileges, act to authorize the sale of the	508
Road from London, Laurel county, to Booneville, Owsley county, act to establish a	84
Road law in Greenup county, act to amend act to change the	90
Road leading from Morganfield to Caseyville, in Union county, act to legalize a change in the	146
Road, new, from the Hopkinsville road to Mayfield, act to establish a	362
Road, macadamized, act to enable Warren county to construct	399
Road, State, leading from Hopkinsville to Columbus, act to change the	496
leading from Princeton to Weston and Ford's Ferry, act authorizing the Crittenden county court to change	369
in Union county, act in relation to	307
Road, turnpike, Allensville and Elkton, act to incorporate the	473
Augusta and Germantown, act to incorporate the	397
Augusta and Mount Zion, act to incorporate the	398
Alexandria and Crane Trace, act to incorporate the	359
Alexandria and Flag Springs, in Campbell county, act to amend the charter of the	362

INDEX.

661

Read, turnpike, Bardstown and Green River, act to repeal second section of act for the benefit of.....	513
Bethel and Owingsville, act to incorporate the.....	361
Blandville and Cairo, act to incorporate.....	308
Bohon Town, act to incorporate the.....	513
Bracken, act to incorporate the.....	496
Bracken and Robertson County, act to incorporate the.....	176
Bullskin and Middletown, act to incorporate the.....	401
Burleyville and Muldrough's Hill, act to incorporate the.....	485
Cane Ridge and Sharpsburg, act to charter the.....	490
Cane Ridge and Sharpsburg, act to incorporate the.....	519
Cane Spring and Cox's Creek, act to incorporate the.....	143
Cartwright and Beechland, act to amend the charter of the.....	518
Clark and Madison, act to incorporate the.....	131
Concord and Tollsboro, act to incorporate the.....	132
Dayton and Four Mile, in Campbell county, act to incorporate the.....	519
Dividing Ridge, in Mason county, act to incorporate the.....	514
Eminence and Fox Run, act to incorporate the.....	493
Eminence and Franklinton, act to incorporate the.....	522
Eminence and Mulberry, act amendatory of an act to incorporate the	145
Flatwoods, act to incorporate the.....	365
Flemingsburg and Elizaville, act to amend the charter of the.....	146
Flemingsburg and Mayslick, act to amend the charter of the.....	106
Flemingsburg and Mount Carmel, act to amend act to incorporate the	394
Florence and Anderson's Ferry, act to incorporate the.....	489
Garrard County and Kirksville, act to incorporate the.....	510
Glenville and Mount Zion, act to incorporate the.....	179
Great Crossings and Stamping Ground, act to enable the Scott county court to purchase the	142
Green and Taylor County, act for the benefit of the.....	11
Harrisonville and Boyd Shop, act to charter the	499
Harrodsburg and Cornishville, act supplemental to an act to incorporate the	487
Hillsboro and Wyoming, act to amend act to incorporate the.....	500
act to amend act to incorporate the.....	512
Hinkston, act to incorporate the	524
Hodgenville and Elizabethtown, act to incorporate the.....	478
Hodgenville and Muldrough's Hill, act to incorporate the.....	480
Hopewell and Bethlehem, act to amend the charter of the.....	518
Hustonville and Nealy's Gap, act to amend act incorporating the.....	364
Independence and Big Bone, act to amend the charter of the	307
Independence and Colemansville, act to amend the charter of the ..	526
Jefferson and Browneboro, act to amend the charter of the.....	11
Lancaster and Crab Orchard, act to repeal act for the benefit of the, &c.....	491
Lancaster and Sugar Creek, act to incorporate the	138

Road, turnpike, Lexington, Harrodsburg, and Perryville, act to amend the charter of the	509
Lewis and Mason County, act to incorporate the	355
Licking and Wyoming, act to incorporate the	358
Louisville and Taylorsville, act to continue in force an act to amend the charter of the	175
Lowell and Spoonville, act to amend the charter of the	507
Marion and New Liberty, act to incorporate the	139
Martha Mills and Blue Lick, in Fleming county, act to incorporate the	502
Massie's Mill, act to incorporate the	364
Maxville, Millersburg, and Beech Fork, act for the benefit of the	477
Mount Sterling and Levee, act for the benefit of the	512
New Castle and Carrollton, act for the benefit of the	175
Paducah and North Ballard, act to incorporate the	134
Paint Lick, Walnut Meadow, and Big Hill, act to amend act to incorporate the	511
Perryville and Union Meeting-house, act to amend and revive the charter of the	483
Pleasureville, Bethlehem, and Kentucky River, act to amend act to incorporate the	80
Quirk's Run and Nevada, act to incorporate the	114
Richmond and Big Hill, act to amend act incorporating the	112
Richmond and Irvine, act to authorize the sale of the, and its franchises and privileges	508
Rush Branch, act for the benefit of the	507
Russellville District, act to amend the charter of the	506
Salt River, Otter Creek, and Big Spring, act to incorporate the	180
Shelbyville and Bellevue, act to incorporate the	487
Shelbyville and Eminence, act to repeal the charter of the, and to incorporate the Eminence and Fox Run Company	493
Shelbyville and Harrisonville, act to incorporate the	395
Shelbyville and Taylorsville, act to amend the charter of the	509
Sherburne and Blue Lick, act to amend the charter of the	512
Silver Creek, Walnut Meadow, and Big Hill, act to incorporate the,	113
Smithfield and Shelby County, act to amend act to incorporate the	182
Springfield and Bardstown, act to repeal the second section of act for the benefit of the	498, 500
Springfield and Bardstown, act for the benefit of the	524
Taylorsville and Salt River, act to incorporate the	517
Union, act to amend the several acts relating to the	501
Versailles and Anderson, act to amend the charter of the	486
Versailles and McCracken's Mill, act to incorporate the	483
Versailles and Mount Vernon, act to incorporate the	140
Walton and Frazee, act to incorporate the	366
Washington and Anderson, act to incorporate the	495
Winchester and Mount Sterling, act to amend the charter of the	143
and Bridge Company, Muldrough's Hill, act to fix and regulate the tolls at the gate of the	397

INDEX.

663

Road, turnpike or plank, Christiansburg, act to amend act to incorporate	511
in Clark county, act allowing citizens to pass to and from church	
over the.....	174
in Clark county, act to regulate the manner of having kept in order,	175
in Nicholas county, act for the benefit of certain	507
Robertson county, act to authorize the to borrow money	345
Robinson, J. F., agent of Phoenix Hotel, act for the benefit of.....	637
Robinson, J. M., late sheriff of Hickman county, act for the benefit of.....	78
Rockcastle, in Trigg county, act to incorporate the town of	99
Rockcastle county, act for the benefit of Stephen Angland and John A. Pickens, of ..	630
Rockcastle county court, act for the benefit of the	338
Rollington precinct, in Oldham county, act to change the voting place in the.....	616
Ronald, W. A., late sheriff of Jefferson county, act for the benefit of	350
Rush Branch turnpike road company, act for the benefit of the	507
Russell county, act for the benefit of	339
Russellville, act to amend the charter of the town of.....	219
Russellville District turnpike company, act to amend the charter of the	506
Russellville Lodge, No. 17, A. Y. M., act to incorporate.....	239
Ryan, P. H., of Kenton county, act for the benefit of.....	636
Salt River, Otter Creek, and Big Spring turnpike company, act to incorporate the...	180
Samuels, T. W., sheriff of Nelson county, act for the benefit of.....	149
Samuels, W. M., of Hickman county, act for the benefit of.....	308
Sayre, Catherine C., act to confer upon, all the rights of an unmarried woman.....	370
School district No. 8, in Bullitt county, act for the benefit of.....	318
No. 7, in Clinton county, act establishing the	335
No. 16, in Fleming county, act for the benefit of	150
No. 6, in Fleming county, act for the benefit of.....	336
No. 25, in Grant county, act for the benefit of.....	334
Nos. 22, 69, and 50, in Hardin county, act for the benefit of.....	615
No. 7, in Jackson county, act for the benefit of.....	615
No. 26, in Josh Bell county, act for the benefit of.....	403
No. 20, in Mercer county, act to amend act allowing school districts	
to levy a district school tax for the benefit of	336
No. 49, in Monroe county, act creating the	334
No. 14, in Trigg county, act for the benefit of.....	84
No. 13, in Trigg county, act for the benefit of John Dixon and Alfred	
Sumner, trustees of.....	85
Vanceburg, No. 55, in Lewis county, act for the benefit of.....	614
School districts to levy a district school tax, act to amend act allowing.....	198
School, Presbyterian Female, of the city of Louisville, act to amend act to incorpo-	
rate the.....	110
Schools, public, in the city of Paris, act to repeal act to amend and add to an act to	
authorize the, to raise by taxation a fund for the support of.....	88
Scott county, act to punish certain trespasses in.....	622
Scott county court, act to enable the to purchase the Great Crossings and Stamping	
Ground turnpike road	142
Seminary, Brooksville, act to incorporate the.....	154
Fleming County, act to amend act for the benefit of the.....	612

Seminary, Greenville, act authorizing a settlement with the, and to appoint other trustees.....	94
Seventh District Academy, in Garrard county, act to incorporate the.....	333
Sharpsburg, act to amend act to incorporate the town of.....	455
Shelby City, Boyle county, act to amend the charter of the town of.....	223
Shelby county, act to authorize the to build a work-house.....	346
act for the benefit of the Board of Internal Improvement of.....	471
act for the benefit of C. W. Stratton, jailer of.....	629
Shelby county court, act to authorize the to sell bonds of the county to pay debts of the county.....	346
Shelbyville, act to amend act to amend and reduce into one the several acts in relation to the town of.....	150
Shelbyville and Belleview turnpike road company, act to incorporate the.....	487
Shelbyville and Eminence turnpike road charter, act to repeal the, and to incorporate the Eminence and Fox Run company.....	493
Shelbyville and Harrisonville turnpike road company, act to incorporate the.....	395
Shelbyville and Taylorsville turnpike road company, act to amend the charter of the.....	509
Sherburne and Blue Lick turnpike road company, act to amend the charter of the.....	512
Sheriff of Adair county, act for the benefit of Young E. Hurt, late.....	533
Adair county, act for the benefit of Geo. W. Pickett.....	538
Allen county, act to authorize the Secretary of State to furnish certain books to the.....	534
Boone county, act for the benefit of A. Q. Baker.....	539
Bourbon county, act for the benefit of A. L. Thompson, late.....	88
Bourbon county, act for the benefit of A. J. Booth.....	116
Boyd county, act for the benefit of John C. Eastham.....	534
Breathitt county, act for the benefit of James W. Linden.....	537
Breckinridge county, act for the benefit of Thomas J. Jolly, late.....	387
Bullitt county, act for the benefit of Westley Phelps.....	303
Calloway county, act for the benefit of C. A. Duncan, late.....	249
Casey county, act for the benefit of Wm. C. Myers and Patrick Napier, late.....	529
Clay county, act for the benefit of Thomas Cook.....	386
Clinton county, act for the benefit of the securities of John G. Pickens, late.....	111
Fulton county, act for the benefit of William Herrin.....	24
Gallatin county, act for the benefit of John W. Kirby, late.....	353
Grant county, act for the benefit of John S. Marksby, late.....	535
Greenup county, act for the benefit of Robert McAlister, late.....	87
Hancock county, act for the benefit of.....	353
Harlan county, act for the benefit of B. Callaway, late.....	388
Hart county, act for the benefit of F. A. Smith, late.....	350
Hart county, act for the benefit of B. F. Jameson.....	530
Hickman county, act for the benefit of J. M. Robinson, late.....	78
Jackson county, act for the benefit of William Rader.....	119
Jefferson county, act for the benefit of J. Wash. Davis, of.....	57
Jefferson county, act for the benefit of W. A. Ronald, late.....	350
Johnson county, act for the benefit of Alex. W. Nickell.....	534

Sheriff of Johnson county, act for the benefit of A. W. Nickell	250
Knox county and his sureties, act for the benefit of James Vaughn, former	528
Letcher county, act for the benefit of James W. Hogg	350
Letcher county, act for the benefit of Leslie Johnson, late	532
Lewis county, act for the benefit of Samuel Ellis	351
Lincoln county, act for the benefit of E. B. Caldwell, late	528
Livingston county, act for the benefit of Samuel H. Piles	537
Lyon county, act for the benefit of the sureties of J. T. Young, late	250
Lyon county, act to allow to distrain for taxes uncollected for the years 1861, 1862, and 1863	532
Magoffin county, act for the benefit of B. F. Howard	386
Marshall county, act for the benefit of G. S. Jones	526
Mercer county, act for the benefit of H. F. James	352
Mercer county, act for the benefit of J. C. Vanarsdale and H. F. James, late	536
Metcalfe county, act for the benefit of James H. Reed	531
Montgomery county, act to continue in force an act for the benefit of J. S. Wyatt, late	107
Montgomery county, act for the benefit of Paul C. Bedford, late	535
Nelson county, act for the benefit of T. W. Samuels	149
Nicholas county, act for the benefit of A. W. Blair, former	536
Oldham county, act for the benefit of W. W. Morlan, late	56
Owsley county, act for the benefit of John Peters, late	24
Powell county, act for the benefit of James H. Hill	530
Pulaski county, act for the benefit of the	385
Rowan county, act for the benefit of James W. Johnson, late	540
Russell county, act for the benefit of W. T. Jackman	149
Simpson county, act for the benefit of R. H. Earnest, late	530, 533
Spencer county, act for the benefit of Almanzo Kincheloe, late	538
Taylor county, act for the benefit of the securities of James B. McWhorter, late	351
Todd county, act for the benefit of Edward R. Price	535
Trimble county, act for the benefit of James B. Cook	149
Union county, act for the benefit of Gip Taylor	527
Wayne county, act for the benefit of William Mullens, late	352
Wayne county, act for the benefit of Benoni Mills, late	386
Wayne county, act for the benefit of John W. Duncan	537
Whitley county, act for the benefit of Elijah Litton, late	539
Sheriff and county clerk of Breckinridge county, act for the benefit of the deputies and legal representatives of James A. Hambleton, late	387
Silver Creek, Walnut Meadow, and Big Hill turnpike road company, act to incorpo- rate the	113
Smith, Edward, of Larue county, act for the benefit of	115
Smith, F. A., late sheriff of Hart county, act for the benefit of	350
Smithfield College, in Henry county, act to amend act to incorporate	92
Smithfield and Shelby County turnpike road company, act to amend act to incorpo- rate the	182
Society, Boyle County Medical, act for the incorporation of the	582

Society, Lexington Lyceum, act to incorporate the.....	591
Louisville Ladies' Widows and Orphans' Home, act to incorporate the.....	121
Philomathean Literary, of the Western University, act to incorporate the.....	586
Platonian Literary, of Louisville, act to incorporate the.....	206
Rebekah's Benevolent, of Covington, act to incorporate the.....	577
St. Joseph's Orphan, of Louisville, act to amend act to incorporate the.....	320
St. Michael's Benevolent, of Louisville, act to incorporate the.....	197
Southern Ohio Coal Company, act to incorporate the.....	40
Southwestern Furniture Manufacturing Company, act to incorporate the.....	203
Springfield and Bardstown turnpike road company, act to repeal the 2d section of act for the benefit of.....	498, 500
Springfield and Bardstown turnpike company, act for the benefit of the.....	524
Stamping Ground, act to amend act to reduce into one all previous acts incorporating the town of.....	19
Stamping Ground, in Scott county, act to amend act reducing into one all the acts relating to the town of.....	393
Stanford, act to amend the charter of the town of.....	271
Stephensport, act to authorize the trustees of, to close and sell an alley.....	16
Strain, Wallace, and W. C. D. Whips & Co., act for the benefit of.....	633
Stratton, C. W., jailer of Shelby county, act for the benefit of.....	629
St. James' Church, Pewee Valley, act to incorporate.....	122
St. Joseph's Orphan Society of Louisville, act to amend act to incorporate the.....	320
St. Louis, Shawneetown, and Madisonville railroad company, act chartering the.....	310
St. Mary's, in Marion county, act to prevent the sale of spirituous liquors by the small within one mile of the town of.....	268
St. Michael's Benevolent Society of Louisville, act to incorporate the.....	197
St. Vincent's Orphan Asylum, act to incorporate the.....	304
Tax, district school, act to amend act allowing school districts to levy a.....	198
Taylor, Gip, sheriff of Union county, act for the benefit of.....	527
Taylor, Robert, of Monroe county, act to amend act for the benefit of.....	75
Taylorville and Salt River turnpike road company, act to incorporate the.....	517
Taylorville, in Spencer county, act amending the chartdr of the.....	220
T. C. Cecil Lodge, No. 375, A. Y. M., act to incorporate.....	611
Teachers' Mutual Aid Association, of Louisville, act to incorporate the.....	163
Thompson, A. L., late sheriff of Bourbon county, act for the benefit of.....	88
Thomas, Jo., trustee of the jury fund of Daviess county, act for the benefit of.....	148
Todd, H. I., act for the benefit of.....	370
Tollsboro and Esculapia voting precincts, in Lewis county, act to change the line between the.....	214
Tompkins Lodge, No. 178, F. A. M., act to incorporate.....	173
Town, Alexandria, in Campbell county, act to amend the charter of the.....	321
Ashland, in Boyd county, act to amend the charter of the.....	89
Bowling Green, act to enlarge and define the boundary of the.....	315
Burksville, act to amend and reduce into one all the acts concerning the town of.....	432
Calhoon, act to authorize the trustees of the to sell public ground in said.....	336
Carlisle, Nicholas county, act amending the several acts relating to the.....	230
Cloverport and Lower Cloverport, act to amend act to incorporate the, into the town of Cloverport.....	226

INDEX.

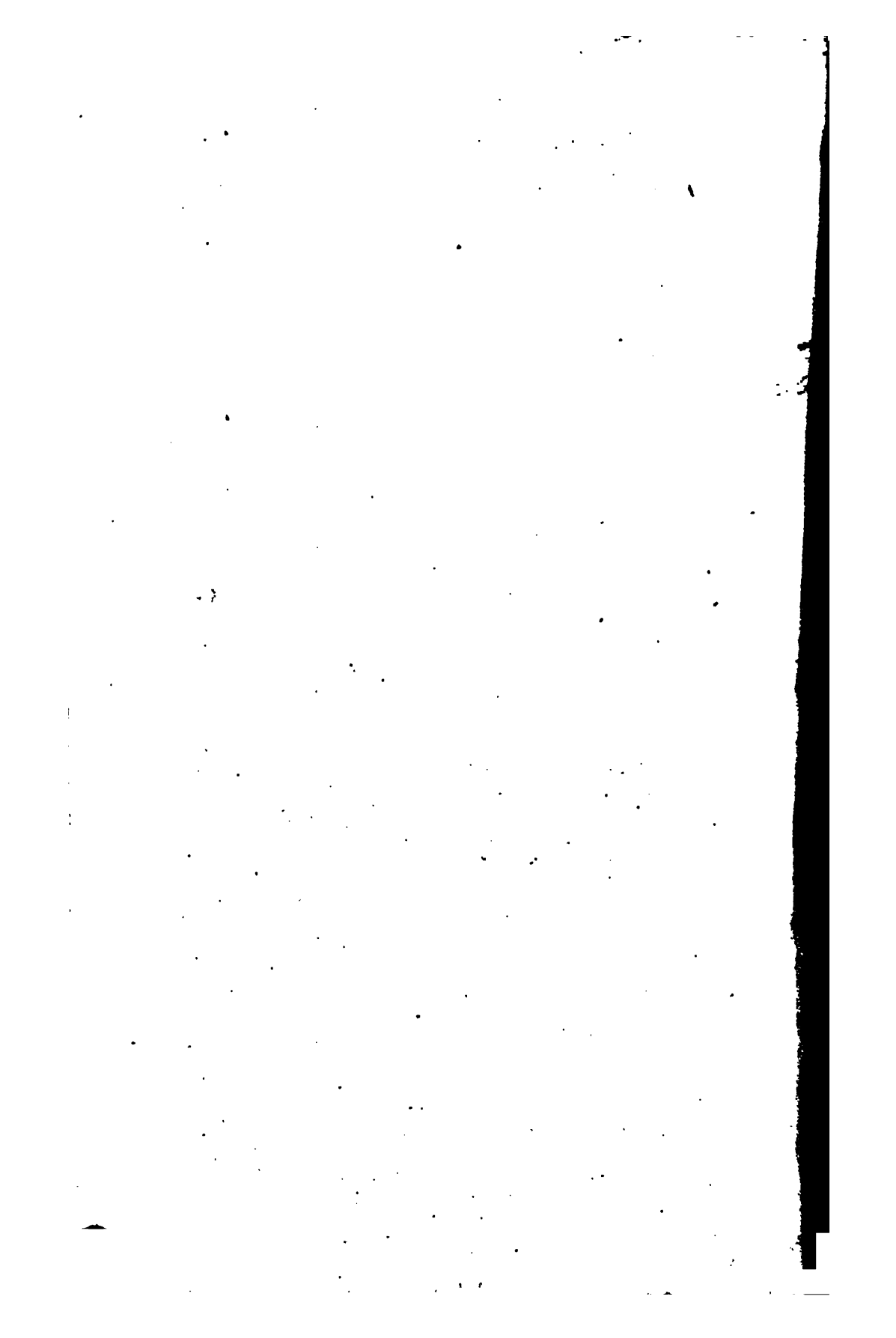
667

Town, Crittenden, Grant county, act to amend the charter of the.....	463
Danville, act to extend the limits of the, and to amend the charter thereof.....	225
Dover, in Mason county, act to amend the charter of the.....	215
Dycusburg, in Crittendon county, act to increase the jurisdiction of the police judge and marshal of the.....	266
Elizabethtown, act to repeal the charter and reincorporate the.....	57
Flemingsburg, act to repeal section one of act to amend and reduce into one the several acts incorporating the.....	225
act to amend act to amend and reduce into one the several acts to incorporate and relating to the.....	299
act to amend act to amend and reduce into one the acts to incorporate the.....	388
Foster, act to prohibit the sale of intoxicating liquors in the.....	462
Franklin, act to amend act to appoint trustees for the, in the county of Simpson.....	153
Georgetown, act to amend act to amend and reduce into one the several acts relating to the.....	461
Germantown, act to amend the charter of the.....	454
Gordonsville, act to amend the charter of the.....	237
Greenupsburg, act to amend the charter of the.....	393
Grundy, in Pulaski county, act to prevent the sale of spirituous, malt, or vinous liquors in the.....	461
Hardinsville, Shelby county, act to amend the charter of.....	216
Hardyville, act to legalize the acts of the police judge, town marshal, and certain trustees of the.....	458
Hinkleville, in Ballard county, act to incorporate the.....	269
Hiseville, in Barren county, act to charter the.....	214
Hodgenville, act for the benefit of the.....	224
Hodgenville, act to amend the charter of the.....	225
Hopkinsville, act giving the right to the, to subscribe stock in turnpikes.....	106
Independence, in Kenton county, act to amend the charter of the.....	152
Lafayette, in Christian county, act to amend the charter of the.....	299
Lagrange, act to amend act to reduce into one the several acts concerning the.....	118
London, act for the benefit of the citizens of the.....	389
Loretto, in Marion county, act to amend the charter of the.....	269
Mackville, in Washington county, act to amend the charter of the.....	233
Madisonville, act amending the charter of the.....	153
Mansville, in Taylor county, act to amend the charter of the.....	455
Mayslick, act changing the place of voting in the.....	616
Middletown, act for the benefit of the.....	453
Middletown, act to amend the charter of the.....	457
Milburn, in Ballard county, act to extend the corporate limits of the.....	273
Mount Carmel, in Fleming county, act to extend the limits of the.....	16
Mount Washington, in Bullitt county, act to extend the limits of the.....	299
Munfordville, act to amend act to amend the charter of the.....	459
New Concord, in Calloway county, act to incorporate the.....	390
New Haven, in Nelson county, act to amend the charter and extend the boundaries of the.....	23

Town, New Liberty, in Owen county, act for the benefit of the	337
Nicholasville, act to amend the charter of the	298
Osceola, in Green county, act to incorporate the	449
Owingsville, Bath county, act to extend the corporate limits of the	458
Poplar Plains, in Fleming county, act to amend the charter of the	453
Prestonsburg, act to amend section 14 of act to incorporate the	272
Providence, act to amend act to incorporate the	457
Rockcastle, in Trigg county, act to incorporate the	99
Russellville, act to amend the charter of the	219
Sharpsburg, act to amend act to incorporate the	455
Shelby City, Boyle county, act to amend the charter of the	223
Shelbyville, act to amend act to amend and reduce into one the several acts in relation to the	150
Stamping Ground, act to amend act to reduce into one all previous acts incorpo- rating the	19
in Scott county, act to amend act reducing into one all the acts relating to the	393
Stanford, act to amend the charter of the	271
Stephensport, act to authorize the trustees of to close and sell an alley	16
St. Mary's, in Marion county, act to prevent the sale of spirituous liquors by the small within one mile of the	268
Taylorsville, in Spencer county, act amending the charter of the	220
Trenton, act to incorporate the	228
Union Star, act to incorporate the	17
Versailles, act to amend and reduce into one the several acts concerning the act to release the title of the Commonwealth to a house and lot in the	273
act to amend act to amend and reduce into one all the acts con- cerning the	390
act to amend act to amend and reduce into one all the acts con- cerning the	456
Weston, in Crittenden county, act to incorporate the	450
Whitesville, in Daviess county, act to amend the charter of	389
Williamstown, in Grant county, act to amend the several acts incorporating the	441
Woodville, in the counties of Ballard and McCracken, act to amend act to in- corporate the	235
Wyoming, act to enlarge the jurisdiction and powers of the police judge and marshal of the	267
Treasurer, county, for Franklin county, act to create and regulate the office of	624
Trenton, act to incorporate the town of	228
Trespasses in Scott county, act to punish certain	622
Trigg county, act for the benefit of school district No. 14, in	84
act to authorize the assessor of to employ Daniel Coleman, an assistant assessor in	92
Trimble county court, act to authorize the to subscribe stock in turnpike roads on certain conditions	342
Underwriters' Life Insurance Company, act to incorporate the	27
Union county, act to legalize a change in the road leading from Morganfield to Casey- ville, in	146

nion county, act for the benefit of the county judge of.....	300
act in relation to the State roads in	307
Union, Iron Moulders', No. 18, of the city of Louisville, act to incorporate the	202
Union Star, act to incorporate the town of.....	17
Uniontown and Caseyville, in Union county, act to exempt from the road tax.....	500
Union turnpike road company, act to amend the several acts relating to the.....	501
Upper Tygert district, in Carter county, act to create an additional voting place in the	23
Vanarsdale, J. C., and H. F. James, late sheriffs of Mercer county, act for the benefit of	536
Vanceburg school district, No. 55, in Lewis county, act for the benefit of.....	614
Vaughn, James, former sheriff of Knox county, and his sureties, act for the benefit of	528
Vaults, fire-proof, act to suspend act requiring county courts to have, so far as same applies to Muhlenburg county	627
Versailles, act to amend and reduce into one the several acts concerning the town of, act to release the title of the Commonwealth, &c., to a house and lot in the town of.....	273
act to amend act to amend and reduce into one all acts concerning the town of.....	390
Versailles and Anderson turnpike road company, act to amend the charter of the ...	456
Versailles and McCracken's Mill turnpike road company, act to incorporate the	486
Versailles and Mount Vernon turnpike company, act to incorporate the.....	483
Vinegar Company, Kentucky, act to incorporate the.....	140
Voting district in Floyd county, act to establish an additional.....	609
Voting place in district No. 4, in Butler county, act to change the.....	211
Voting place in district No. 3, in Carter county, act to establish an additional	212
Voting place in election precinct No. 4, in Crittenden county, act to change the.....	25
Voting place in precinct No. 2, in Livingston county, act to change the.....	212
Voting place in district No. 6, in McCracken county, act to change the	617
Voting place in precinct No. 8, in Morgan county, act to change the.....	212
Voting places in Metcalfe county, act to redistrict and arrange the	212
Waco Lodge, No. 338, F. A. M., act to incorporate.....	75
Waddill, O., of Hopkins county, act for the benefit of.....	238
Wallis, Nathan, of Hickman county, act to amend act for the benefit of.....	383
Walton and Frazee turnpike road company, in Mason county, act to incorporate the	75
Warehouse and Inspection Company, Hopkinsville, act to incorporate the	366
Warren county, act for the benefit of	377
act enabling the citizens of, to take steps inducing the location of the State Capital in said county	306
act to enable to construct macadamized and other roads in said county.....	381
Washington and Anderson turnpike road company, act to incorporate the	399
Washington county, act to change the voting place in magistrates' district No. 1, in	
Washington county court, act for the benefit of	
act to authorize the	
act to enable the	
Washington Manufacturing and Mining Company, act to sell the poor-house take stock in turnpike roads	
act incorporating the	

Water-works Company, Bowling Green, act to amend the charter of the	9
Water-works Company, Newport and Covington, act to incorporate the	572
Webster county, act for the benefit of W. D. Bailey, late constable of	529
Weston, in Crittenden county, act to incorporate the	450
Whips, W. C. D., & Co., and Wallace Strain, act for the benefit of	633
White Baptist Church at Cane Run, Port Royal, act to incorporate the trustees of the	168
Whitesville, in Daviess county, act to amend the charter of	389
Whitley county, act for the benefit of Wm. J. Eaton, late constable of	387
Williamstown, in Grant county, act to amend the several acts incorporating the town of	441
Winchester and Mount Sterling turnpike road company, act to amend the charter of the	143
Windsor Female Institute, act to incorporate	41
Wintersmith, H. G. V., late presiding judge of the Hardin county court, act for the benefit of	83
Woman's Hospital of the State of Kentucky, act to charter the	262
Woman, unmarried, act to confer upon Catharine C. Sayre all the rights of an	370
Woodford Coal and Wood Company, act to incorporate the	245
Woodville, in the counties of Ballard and McCracken, act to amend act to incorporate the town of	235
Wooldridge, John Y., of Greenup county, act for the benefit of	631
Work-house, act to authorize the county of Shelby to build a	346
Wyatt, J. S., late sheriff of Montgomery county, act to continue in force an act for the benefit of	107
Wyoming, act to enlarge the jurisdiction and powers of the police judge and marshal of the	267
Yates, J. F., police judge of Clinton county, act for the benefit of	267
Young, J. T., late sheriff of Lyon county, act for the benefit of the sureties of	250
Young, Thomas E., late clerk of the Metcalfe county court, act for the benefit of	628
Zebulon Lodge, No. 272, F. A. M., act to incorporate	241



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